Mr. PERKINS presented memorials of sundry wine growers of San Francisco, Elk Grove, St. Helena, San Jose, Los Angeles, and Rutherford, all in the State of California, remonstrating against the proposed tax on wines, which were referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit the use of the mails in procuring business for insurance companies in States in which they are not licensed, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 14, Knights of Maccabees, of Pomona, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of the local branches of the National Association of Letter Carriers of San Jose and Santa Barbara, in the State of California, remonstrating against the enactment of legislation providing for the appointment of assistant postmasters under civil-service rules, which were referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented a petition of sundry citizens of North Yakima, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of West Burke, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 6487) granting an increase of pension to Minerva M. Walsh; and

A bill (S. 6488) granting an increase of pension to John M. Miller; to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. KENYON. I yield to the Senator from Missouri.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m., Tuesday, September 15, 1914) the Senate adjourned until to-morrow, Wednesday, September 16, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate September 15 (legislative day of September 5), 1914.

CONSUL GENERALS.

Carl Bailey Hurst, of the District of Columbia, now consul general at Barcelona, to be consul general of the United States of America at Antwerp, Belgium, vice Henry W. Diederich, nominated to be consul general at Barcelona.

Henry W. Diederich, of the District of Columbia, now consul general at Antwerp, to be consul general of the United States of America at Barcelona, Spain, vice Carl Bailey Hurst, nominated to be consul general at Antwerp.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 15 (legislative day of September 5), 1914.

UNITED STATES ATTORNEY.

Harvey A. Baker to be United States attorney for the district of Rhode Island.

ASSAYER IN CHARGE.

James E. Russell to be assayer in charge of the United States assay office at Deadwood, S. Dak.

REAPPOINTMENT IN THE ARMY.

INSPECTOR GENERAL'S DEPARTMENT.

Brig. Gen. Ernest A. Garlington to be inspector general, with the rank of brigadier general.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Augustus C. Macomb to be colonel.
Lieut. Col. Charles H. Grierson to be colonel.
Maj. De Rosey C. Cabell to be lieutenant colonel.
Maj. Farrand Sayre to be lieutenant colonel.
Maj. Grote Hutcheson to be lieutenant colonel.
Maj. George O. Cress to be lieutenant colonel.
Capt. John W. Furlong to be major.
Capt. Robert J. Fleming to be major.
Capt. Edwin B. Winans to be major.
Capt. William T. Johnston to be major.
Capt. Harold P. Howard to be major.
First Lieut. Kyle Rucker to be captain.
First Lieut. Ralph C. Caldwell to be captain.
First Lieut. George M. Lee to be captain.
First Lieut. Eben Swift, jr., to be captain.
First Lieut. Henry S. Terrell to be captain.
Second Lieut. William R. Henry to be first lieutenant.
Second Lieut. George F. Patten to be first lieutenant.
Second Lieut. Robert M. Cheney to be first lieutenant.
Second Lieut. Lawrence W. McIntosh to be first lieutenant.

POSTMASTERS.

KENTUCKY.

John B. Wathen, Lebanon.

OHIO.

Samuel A. Kinnear, Columbus.

REJECTION.

Executive nomination rejected by the Senate September 15 (legislative day of September 5), 1914.

Robert E. McBride to be postmaster at Red Cloud, Nebr.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 15, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, on earth, and in the hearts of men, as the world moves with unerring precision in its appointed course, giving to us day and night, seedtime and harvest, so may we as individuals and as a people press forward to larger achievements in all legitimate fields of endeavor and to greater attainments in wisdom, knowledge, and purity, inspired by that wisdom from above, which is first pure, then peaceable, gentle, and easy to be entreated, full of mercy and good fruits, without partiality, and without hypocrisy. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request:

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
WASHINGTON, D. C., *September 15, 1914.*

Hon. CHAMP CLARK,
Speaker, House of Representatives.

DEAR SIR: I would respectfully ask permission for leave of absence for 10 days, on account of illness.

Yours, respectfully, THOMAS C. THACHER.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

EXTENSION OF REMARKS.

Mr. MANN. Mr. Speaker, I ask leave to extend my remarks in the RECORD by inserting some matters relative to the representation in future Republican national conventions.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks leave to extend his remarks by inserting some matters touching representation in Republican national conventions. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of labor legislation.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent to extend his remarks in the RECORD on the subject of labor legislation. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of socialism and the Industrial Workers of the World.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] asks leave to extend his remarks on the subject of socialism and the Industrial Workers of the World. Is there objection?

There was no objection.

BANKING AND CURRENCY LEGISLATION.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to take up Senate bill 6398 for passage immediately after the reading of the Journal on Thursday of this week—next Thursday. This bill is an act passed by the Senate last Friday amending the national-bank laws, increasing the circulating notes based on commercial paper from 30 per cent to 75 per cent. The bill is now on the Speaker's desk.

The SPEAKER. Has not that bill been referred to the committee?

Mr. TRIBBLE. The bill has been referred to the Committee on Banking and Currency of the House, Mr. Speaker.

The SPEAKER. It is not on the Speaker's table, then.

Mr. TRIBBLE. It is here from the Senate. It has been passed by the Senate.

The SPEAKER. The Chair knows; but when it has been referred to the committee——

Mr. TRIBBLE. I will modify my request and ask unanimous consent, Mr. Speaker, that the Committee on Banking and Currency be discharged from further consideration of the bill, and that it be taken up for action on Thursday, immediately after the reading of the Journal.

The SPEAKER. What is the number of that bill?

Mr. TRIBBLE. S. 6398.

The SPEAKER. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent to discharge the Committee on Banking and Currency from the consideration of Senate bill 6398, and to consider the same next Thursday, immediately after the reading of the Journal. Is there objection?

Mr. HENRY. Reserving the right to object, Mr. Speaker, I would like to have an explanation. I did not hear the gentleman's full statement.

Mr. TRIBBLE. Well, Mr. Speaker, the full explanation is this: Three months ago cotton in the South was bringing 14 cents a pound. There was not a man in the South nor anywhere else in the United States expecting this European war. It had cost the people of the South, the men who had produced that cotton, not less than 10 cents a pound to produce it. To-day there is absolutely no sale whatever for cotton anywhere in the United States. There is no price for it. And if this Congress is going to pass legislation seeking to relieve the depressed condition of the price on cotton, the time is at hand: the crisis is on us; and we should take action on this proposed legislation, and do so at once.

Mr. HENRY. Mr. Speaker, was this the amendment that was passed recently by the Senate, known as the Hoke Smith amendment?

Mr. TRIBBLE. Yes; that amendment is in the bill.

Mr. HENRY. Well, Mr. Speaker, this question involves a great many important interests of the South, and I think the amendment involves a great step in the direction of solving the difficulties, requiring careful consideration. Therefore I object.

Mr. TRIBBLE. Will the gentleman withhold his objection for a moment?

Mr. HENRY. I will reserve it for a moment.

Mr. TRIBBLE. The gentleman certainly will not object to taking a step that will help the South in regard to its crop of cotton?

Mr. HENRY. This is so important that the Committee on Banking and Currency ought to consider it very deliberately, and, therefore, I shall object.

Mr. TRIBBLE. Mr. Speaker, this is no time to wait on committees. So far as I know, the committee has not even considered this bill. It was considered several days ago by the Senate, and we can consider it right here on the floor of this House. The motion I make will leave the bill open to free discussion, and gentlemen will have full opportunity to amend it. If gentlemen think there is little merit in the bill, I know of no better way to get a good bill than to get one before the House and give the membership an opportunity to discuss this question and perfect the bill in the interest of the cotton farmers. I fail to see the wisdom of standing in the door and keeping the bill on the outside for an indefinite time. I will say to-day what I said last night in a cotton conference, and that is this, Mr. Chairman: It is time to let the cotton-growing States know what Congress is going to do. It is a great injustice to the farmer and the people of the Southern States to hold them in suspense. If Congress can not pass special legislation on this question, it is time to let our suffering people know the facts. I am pursuing the same course, in asking to consider this bill by unanimous consent, that was adopted when emergency bills were passed appropriating money for the relief of American citizens in Mexico and Europe. Mr. Chairman, the South confronts a real emergency. It is an emergency that appeals to me and it appeals to you for help. Are we powerless to give national assistance? If the majority of the Members of this House think no special legislation should be enacted, then, in the name of justice, let the people have this information. I have but one desire in this matter, and that is to help relieve the suffering that confronts us in the South. There are many kinds of bills and all kinds of theories. I am for anything that will help relieve the situation, and I make this motion for the purpose of bringing about action on the cotton question and to hasten the passage of this bill. I have pending a bill before the Currency Committee, and I will have an opportunity of getting that bill before this House by amendment, if this Senate bill is considered, and others will have the same privilege of amendment. I desire to reduce the rate of tax on circulating notes provided for this emergency to 1 per cent, and also to require the banks loaning same not to charge over 4 per cent. The section reads as follows:

SEC. 4. That it shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may deem necessary, to provide that the notes to be issued by the banks shall be loaned by said banks as far as practical to the producers of cotton and agricultural products at a rate of interest not to exceed 4 per cent per annum, and preference shall be given those desiring to hold agricultural products for better prices during the depression of prices caused by the European war.

Mr. Speaker, I think I have sufficiently explained my reasons for urging consideration of this bill by unanimous consent.

The SPEAKER. The gentleman from Texas [Mr. HENRY] objects.

Mr. TRIBBLE. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD.

The SPEAKER. On this subject?

Mr. TRIBBLE. Yes; on this subject.

The SPEAKER. Is there objection?

There was no objection.

COTTON-WAREHOUSE LICENSES.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that on Thursday next Senate bill 6266, to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes, as amended by the Committee on Agriculture, shall be taken up for consideration and considered in Committee of the Whole House on the state of the Union, and that two hours' general debate shall be allowed for its discussion.

Mr. LINTHICUM. Mr. Speaker, I object.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] objects.

EXTENSION OF REMARKS.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a statement from Congressman WARREN WORTH BAILEY on the subject of universal peace.

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] asks unanimous consent to extend his remarks in the RECORD by the insertion of the statement named.

Mr. MANN. Mr. Speaker, we could not hear what they were.

The SPEAKER. The gentleman will please state it again, and lift his voice up.

Mr. CROSSER. It is an article by the Hon. WARREN WORTH BAILEY on the shortest road to universal peace. I think it is a very valuable article.

Mr. BORLAND. Reserving the right to object, Mr. Speaker, is that the Mr. BAILEY who is the present Member of the House?

Mr. CROSSER. Yes.

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] asks unanimous consent to extend his remarks in the RECORD by printing an article by WARREN WORTH BAILEY, a Member of the House, entitled "The shortest road to peace." Is there objection?

Mr. MANN. If we can find it, we will take it. [Laughter.]

There was no objection.

THE DUTY OF AMERICA.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from Texas [Mr. BURGESS] asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

"AMERICA'S MISSION."

Mr. BURGESS. Mr. Speaker, I am first a Texan, second an American, and third a Democrat. I am a Democrat because I believe the fundamental principles of Democracy conduce to make me a better American and a better Texan. I do not intend to discuss my Democracy or the glories of the State that gave me birth, but I wish for a brief time to discuss America. I am proud that I am an American. I believe profoundly that it was not an accident that Christopher Columbus discovered

America. I believe he was guided by Omnipotence, who saw that conditions in the Old World demanded the opening of a new breeding ground, to which might come the best from all the countries of the Old World and found here a new country, dedicated to liberty in its widest sense and sustained by a vigorous race of people produced under environments peculiarly susceptible to the production of the best race of people the world has ever known. I believe profoundly that step by step the hand of God has guided in this thing, and that here a people has arisen capable of influencing and that has influenced the course of liberty all over the world. That here a Government has been founded dedicated to that widest principle of liberty—the consent of the governed—and that, in the words of the immortal Lincoln, "It shall not perish from the earth." [Applause.]

If I speak of Japan, instantly there comes to mind the marvelous progress in recent years of this remarkable people, their adaptibility to the best everywhere; but at last one must think of a language and a blood that make the Japanese. If I say England, at once there rises to mind the wonderful history of this wonderful people. One must think of their laws, their literature, and of their religion, that have so much enriched us; but at last I think of a language and a blood that make the Englishman. If I say France, in my mind's eye I review their wonderful history, and the shadow of the great Napoleon falls across the channel of one's thoughts, and I think of their thrift, of the Code Napoleon, of the Bank of France; but at last one must think of a language and a blood that make the Frenchman. If I say Germany, there comes to my mind the valley of the Rhine, the music of the masters, the science, industry, and progress that has characterized this great people; but at last we must think of a language and a blood that make the German. If I say Russia, there comes rushing into one's mind the great extent of this country, the slow progress that it has made, and the mighty struggle for freedom that is going on there among the people, but at last I think of a language and a blood that make the Russian; and so on through the category of nations. In most of these cases there also comes to mind the evils of kings and emperors and the tyrannies of State religions, and the objections to classes in society. But when I say America, all this changes in a moment. Our language is but an incident of our development, and our blood is the most commingled in the world. Here we know neither kings nor emperors. We know no State religion, nor does this Government recognize any classes in society. It is founded upon the individual unit of society—the man.

Now, I have said all this briefly for the purpose of calling attention to the deplorable state of war which exists in Europe, and to the duty of the citizenship of America to maintain their proud position. It is but natural that one should sympathize with this or that country from which they came, and to which many ties bind them. This is but the call of the blood. I find myself vacillating continually between sympathy for England and sympathy for Germany. It is with me the call of the blood, for my ancestors came from both countries. But I would have every American to understand that this is America, "the land of the free and the home of the brave," the favored Nation of God, and I believe destined for all time to keep burning brightly the lamp of liberty.

I appeal to all the great newspapers of the country, as well as to writers and speakers, that they ought to be extremely careful in this European situation to utter no word, and, if possible, think no thought, which is contrary to or imperils this mission of America. [Applause.]

EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House resolves itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 16136, to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with the gentleman from New York [Mr. FITZGERALD] in the chair. The gentleman from Tennessee [Mr. GARRETT] will take the chair until the gentleman from New York arrives.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. JOHNSON of Washington. Mr. Chairman, before we leave the first section I would like to offer an amendment.

The CHAIRMAN. The first section has been passed.

Mr. JOHNSON of Washington. I ask unanimous consent to return to the first section.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to the first section for the purpose of offering an amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington:
"Page 1, line 5, after the word 'forests,' insert the words 'the Grand Canyon national monument, the Mount Olympus national monument.'"

Mr. JOHNSON of Washington. Mr. Chairman, this amendment makes this paragraph read in uniformity with the water-power bill passed recently. At that time statements were made fully covering the situation. I think it is unnecessary to say anything more.

Mr. FERRIS. Mr. Chairman, I think the committee will be glad to accept this amendment, which merely makes this bill conform to the water-power bill, and I know of no objection to it.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. When the amendment was adopted incorporating the Grand Canyon of the Colorado in the water-power bill there were some Members who thought it went pretty far in including that wonderland of beauty. I can understand why you might want to make an exception as to water power, but when you come to include coal, phosphate, oil, gas, potassium, and sodium, I think there should be some hesitancy in adopting the amendment. Is there any good reason why we should open up these great national monuments, these national parks, to the invasion of the prospector for oil, coal, and other minerals?

Mr. FERRIS. I shall be glad to reply to the gentleman unless the gentleman from Washington [Mr. JOHNSON] wishes to do so.

Mr. JOHNSON of Washington. I am not especially informed as to the Grand Canyon. I am told that there is no likelihood of any of these particular minerals being found in the Grand Canyon. The Olympic monument, however, abounds in minerals, and probably contains coal and gas in quantities. In order to make the two leasing bills uniform and to prevent two very large areas from being left out of possible development, either by leasing or otherwise, both monuments are specifically referred to in the amendment.

Mr. STAFFORD. The gentleman from Arizona [Mr. HAYDEN] strongly emphasized the need of including the Grand Canyon in the water-power bill, because that was the only available water-power supply for Arizona.

Mr. FERRIS. That is the only water power it has.

Mr. STAFFORD. But that argument does not apply, so far as minerals are concerned, and I think we should go slowly in opening up the minerals of the Grand Canyon to exploitation by private parties.

Mr. HAYDEN. The gentleman does not realize how large the Grand Canyon national monument is. It contains about 800,000 acres. An oil well located in the Grand Canyon would be invisible from the brink. Any mining that took place there would in no sense mar the beauty or impair the grandeur of the canyon. As I have stated to the gentleman from Washington, I have no personal knowledge that any of these minerals exist in the Grand Canyon national monument. For that reason it may be immaterial whether it is included under the terms of this bill or not, but I can see no possible harm in adopting this amendment.

Mr. STAFFORD. I think the committee should not include the Grand Canyon of the Colorado within the purview of the bill. We should not open it up to prospectors.

Mr. HAYDEN. Has the gentleman ever seen the Grand Canyon?

Mr. STAFFORD. I have not been favored in seeing the Grand Canyon of the Colorado, but I have been fortunate enough to see the Yellowstone. I imagine it is more immense than the Yellowstone. It is a monument dedicated to all the people of this country, and why should we open it up to exploitation by private parties? The gentleman says there are no minerals there to his knowledge. Why should we include it? Why should we open it to development?

Mr. HAYDEN. Any mineral development in the Grand Canyon could not possibly interfere with its scenic beauty. The canyon is a mile deep and 14 miles wide. It extends along the Colorado River for 150 miles in that part of Arizona where this national monument is located. If the gentleman can suggest any way in which the adoption of this amendment would inter-

fere with the enjoyment by the public of the grandeur of the canyon, I will agree with him.

Mr. STAFFORD. Even though I have not had the good fortune to visit the Grand Canyon, nevertheless I would not care to see oil wells and pipe lines scattered over that scenic spot.

Mr. HAYDEN. If the gentleman had ever visited the Grand Canyon, he would not make that argument.

Mr. STAFFORD. I make the argument because I have been in similar places, like the Yellowstone, and I think we should not open up these natural monuments to such exploitation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The amendment was agreed to.

The Clerk read as follows:

COAL.

SEC. 2. That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes, and acts amendatory thereof or supplemental thereto, or such lands or deposits may be leased, as hereinafter provided.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 9, after the word "hereunder," insert the words "at the time application to purchase as herein provided is made."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. TAYLOR of Colorado. Mr. Chairman, I should like to have the amendment reported again. We do not understand where it comes in.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The Clerk read the amendment again.

Mr. MONDELL. Mr. Chairman, this section of the bill retains in operation the present coal-land law. It provides that purchases may be made under it except in case where an offering, an application for offering, or an application for lease is pending. My amendment is simply to perfect the text by inserting words which will make this provision apply providing an application or offering or an application for lease is not pending at the time the application to purchase is made. Without this amendment I think it would be very easy to defeat any application to purchase by making an application for an offering or making an application for a lease any time before the application to purchase was perfected. I assume it is the intention to allow the purchase providing the application to purchase is made before any of these other steps are taken.

But unless we make that clear it would be very easy, after application to purchase had been made and had been pending some time, but before it was acted upon, for some one to come in with an application to have the land offered or to lease in good faith, or not in good faith, and defeat the right to purchase.

Mr. FERRIS. Mr. Chairman, as I heard the amendment read I could not see any great harm in it, although I do not think it does any good, and I do not think it adds anything to the section. Certainly if the application for the land to be leased under this bill is pending no one under another law should be allowed to come in and buy the land from under the applicant.

Mr. MONDELL. Will the gentleman allow me?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman knows that under the statutes we are retaining in force an application may be made to purchase, and the applicant has a limited time within which to make his purchase. Unless you definitely fix the date when his rights attach they do not attach until he completes his purchase. Unless that is made definite his right to purchase can be defeated any time prior to confirmation simply by making an application to lease or offering to lease.

Mr. FERRIS. Mr. Chairman, the gentleman's statement notwithstanding, I do not believe we can with safety accept this amendment. I will say that this section has been submitted to the careful consideration of the Bureau of Mines, to the careful consideration of the Geological Survey, to the careful consideration of the Secretary of the Interior, and in each case they think it does precisely what it intends to do—leave the two laws in operation without interference. The Public Lands Committee spent several weeks in hearings, which took 800 or 1,000 pages of testimony, and they also think that it will do what it intends to do. I will read the language:

That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes and acts amendatory thereof or supplemental thereto or such lands or deposits may be leased, as hereinafter provided.

My second thought is, and I think it is better than the first one, that if the applicant's lease for the tract is still pending no one should be allowed to slide in under him and purchase.

Mr. MONDELL. My amendment would not allow that.

Mr. FERRIS. To adopt the gentleman's amendment would be to adopt one of limitation to the extent of nonworkability. I hope it will be rejected. It is quite dangerous to add far-reaching amendments that have not been considered either by the committee or the department.

Mr. MANN. Mr. Chairman, I would like to get a little information or explanation in regard to section 2. I notice that the report of the committee makes this statement:

Under the law of 1873 little effort was made to protect the public interest or the rights of the public, and through lack of classification immense areas of coal lands were acquired by individuals and corporations through more or less fraudulent means.

As I read section 2 it permits anyone to make an application under the law of 1873 for these lands.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. I do not think the gentleman has the correct version of that. We have regulations in conjunction by which it shall be appraised and sold.

Mr. MANN. It makes no difference what the later land laws are. The law of 1873 is the one carried in the Revised Statutes, and section 2 of this bill eliminates all recent laws and expressly provides that coal lands or deposits of coal, and so forth, may be acquired in accordance with the provisions of section 2347 to 2352, inclusive, of the Revised Statutes. That is the law of 1873. All of these recent laws on the subject will not operate, because you expressly provide in section 2 of the bill that anyone may acquire these coal lands under the old provisions of the Revised Statutes.

Mr. FERRIS. Will the gentleman yield again?

Mr. MANN. I will.

Mr. FERRIS. Prior to 1873 coal and oil and water power was homesteaded and passed into private ownership as agricultural lands did. Under the act of 1873 and acts amendatory thereto they sell it pursuant to appraisal in tracts of 160 acres, and so forth. Now, the necessity of buying lands in tracts of 160 or 640 acres would not induce men with large means to invest, but the committee thought, in the interest of municipalities and cities, it was necessary to allow smaller areas to be sold, and it was on that idea that we left the two laws together to operate, and we think there will be no conflict under them, and the department thought so.

Mr. MANN. Departments are sometimes in error. I do not claim they are in error here, for I do not know. The Government has withdrawn large areas of coal lands from entry. This bill proposes to turn these all back for entry under the provisions of the Revised Statutes. Is not that correct?

Mr. FERRIS. No; it is not correct. The land that is now subject to sale at $10 an acre within the 15-mile limit of the railroads and $20 an acre outside of the 15-mile limit will still go on as it is.

Mr. MANN. I still do not comprehend the situation. This section expressly provides that all coal lands of the United States, exclusive of Alaska, are subject to entry under the provisions of these old sections of the Revised Statutes.

Mr. LENROOT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LENROOT. Under the present law the gentleman speaks of, as rapidly as classified, although withdrawn, they are subject to this law of 1873?

Mr. MANN. Yes; but this does not make them subject to any classification of recent law. It does not even provide reference to these sections as amended.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. TAYLOR of Colorado. The gentleman does not contend, does he, that the power of classification is taken away by this bill?

Mr. MANN. Well, I do not know anything about that.

Mr. TAYLOR of Colorado. We have no idea that the power or authority of the Interior Department to classify this land is taken away in this bill, and it does not apply to nor take away the power of the President to withdraw and keep it withdrawn. Our thought is that it only applies to land that is restored and is classified, and the land that is classified, as we complain in the West, at such a high figure that nobody will buy it.

Mr. MANN. The provisions of the Revised Statutes authorize the taking of this land at $10 an acre in certain cases, or at not less than $10 an acre, and in certain cases at not less than $20 an acre.

Mr. TAYLOR of Colorado. It is subject to classification.

Mr. MANN. If this is enacted into law, it will override any action of the President in regard to withdrawal. This section expressly provides that all of these coal lands may be acquired in accordance with the provisions of these sections of the Revised Statutes. How are you going to get around it?

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. The regulations issued under the act of 1873, the coal-land law, provide, in addition to the minimum price fixed in the statute, that there shall be classification and appraisement, and that that appraisement and that classification only comes as fast as the lands are restored. The $10 an acre price within the 15-mile limit, and the $20 an acre outside of the 15-mile limit, a regulation issued in addition thereto, brings the appraisement at their actual value, and the gentleman from Colorado [Mr. TAYLOR], and many others in the West, say they have soared the price so high that they can not even buy it. I do not know what the facts are. I am not familiar with that. That is their contention, but in any event, under the old law they can ask for the land as much as they think it is worth. The prescribed price of $10 or $20 per acre is only a minimum price.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Of course, Mr. Chairman, I expect to take the judgment of the committee, who know more about this matter than I do, but it seemed to me that it was not properly guarded. There can be no question that it gives to the individual seeking the land the choice of which method he will take.

Mr. FERRIS. That is true.

Mr. MANN. Of course the individual will take the method which he thinks is most profitable to him. The Government has no control over it at all.

Mr. FERRIS. They have control over the classification and appraisement when the sale occurs, and they have control over the offering in the lease plan, so the Government is safeguarded in each instance.

Mr. MANN. If the Government offers all of these coal lands at once, then of course there would be no choice. A man could not take it under the provisions of the Revised Statutes, and if the Government does not offer all of these lands at once, the individual seeking the land, or the corporation seeking the deposits, will make the application according to which they think will be for their interests, and not for the interest of the Government.

Mr. FERRIS. That is true, but that is as it should be. The Government will protect the public interest.

Mr. MANN. It seems to me we ought to give the Government some protection in the matter. You throw all of the land open to entry under the existing law, or under the old Revised Statutes, and give those seeking the coal lands the choice whether they will take the land and pay for it directly or whether they will bid and pay a royalty. I do not see how the western gentlemen can complain about that.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. TAYLOR of Colorado. My thought is that the land is classified so high that nobody will buy it, and the companies that will open the land will always take a lease, and therefore the land does not go into private ownership, and does not go on the tax roll, and does not become a part of the assets of the county.

Mr. MANN. The theory of my friend from Colorado is that the Government has made such an improper classification that this provision is of no benefit.

Mr. TAYLOR of Colorado. That is what I say.

Mr. MANN. I understand, but we are not disposed to think, at least I am not, that the Government in classifying this property has put an exorbitant price upon it.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SELDOMRIDGE. Will not the fact that the records of the Land Office show a decrease in purchases of coal lands in the section sought to be reserved demonstrate that the price has been fixed too high?

Mr. MANN. Well, I do not think so. There is more coal being mined out there now than there was ever before, or rather there was more coal being mined out there while we had prosperity in the country than ever before; it may be a little short just now. I do not see why we should give the choice under this old law. We have been endeavoring to protect. Now, I would like to ask the gentleman, have these sections of the Revised Statutes been amended?

Mr. FERRIS. I do not think they have been except by regulation. They have been made applicable to Alaska and some other acts of that sort, but I do not think they have been amended except by the issuance of new regulations. Mr. Chairman, the committee is always glad to have suggestions from the gentleman from Illinois [Mr. MANN], and I confess at first blush it would look as if the two laws should not be left traveling along the same route, but we had that in mind and I called the attention of the committee to the three departments that were presumed to know about these matters, to ascertain what they think about them, and I think the committee would be glad to hear what the departments say about it under a memorandum which was sent me last Saurday. It is in point; it is in reference to section 2:

> One reason why the bill provides that existing coal-land laws shall continue in force is that there are many hundreds of coal claims already initiated under the old laws by opening of mines upon the land or by filing of declaratory statements. Under the law coal land which has not been surveyed can not be entered until surveyed, but a citizen may go upon such lands, open a mine of coal, and obtain a preference right to enter within 90 days after survey. Another reason for continuing the laws in force is that it will give an opportunity of choice to the citizen, who can either buy or lease, at his option. It is generally believed that coal operators will prefer to lease, but it was thought that those who prefer to obtain a smaller area under existing laws of purchase should be accorded an opportunity so to do. There will be absolutely no conflict, because the lands will be subject to either sale or lease to the first applicant until same shall have been specifically offered for lease or covered by a pending application; after that time they will not be subject to purchase. The records of the land offices will show the status of the same, and if anyone tries to enter after the lands have been offered or actually leased the subsequent applicant will be rejected, as is the case under existing law for conflict with the prior claim. In other words, it will be simply a question of priority, a rule entirely familiar to all public-land claimants.

Now, the Geological Survey, in a letter I have here, which I will not take the time to read, coincides with the view of the Secretary's office. In a letter which I have from the Bureau of Mines, signed by Acting Director George Ashley, Dr. Holmes being away, the writer coincides with that view, and it was the thought of the committee, after the widest sort of examination and after the most extensive hearings, to leave the two laws, and I actually believe it will be workable, and that there will not be any conflict, and that it will accomplish what the committee and the House desire to accomplish in the development of the coal lands in the West.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 2, line 6, after the word "that," insert the word "unreserved."

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois is entirely correct. If this section is adopted in the form in which it is the bill, and any applicant can ever get into the courts, he can unquestionably set aside a classification of coal lands and enter at the minimum price. Let me call the attention of the committee to this important fact. There has been no coal-land legislation since the acts of 1870, which are here reenacted. The matter of classification is a matter of departmental regulation. The department has assumed that the words "not less than" should be interpreted to mean "as much more as the Secretary of the Interior may in his judgment and wisdom fix." Now, I have never quarreled with that interpretation; in fact, I was rather favorable and was one of those who suggested to the department the propriety of coal-land classification. But there is no very clear authority in law for that classification, and when we put a new statute relative to coal on the statute books, which we do in effect by the reenactment of the old sections, the query is, What effect does that have on intervening laws relative to withdrawals and classifications? We have had legislation on withdrawals. We have had none on classification except as is used in the withdrawal act. Now, what is intended by this section is this, if the gentleman from Oklahoma will give me his attention, that unreserved coal lands may be purchased under these sections of the Revised Statutes. You never intended that reserved coal lands, reserved for classification and still unclassified, should——

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. Let me give the gentleman the facts, and here they are: There have been 53,000,000 acres of withdrawals, and there have been 20,000,000 classified. Suppose the department of the Government drags along and does not classify; supose it is not even surveyed; this lease law was intended to and properly should apply to all coal land whether classified or not. The bill provides that you can go ahead and lease it and go ahead and utilize it and use it. I can not think the gentleman wants to do what he is talking about at all.

Mr. MONDELL. Oh, I have another amendment. The gentleman is always jumping at conclusions. You must follow this with an amendment to the part of the bill referring to leasing that should apply to lands that are withdrawn and lands that are reserved and unreserved, but certainly you do not want to apply your purchase law to reserved lands; and if the gentleman from Oklahoma will just listen to me for a moment, I think he will agree with me. Reserved coal lands are coal lands that are reserved for the purpose of classifying them. Before they are reserved they can be entered at $10 or $20 an acre without regard to what their value may be. They are reserved in great areas for the purpose of classification, and as rapidly as the bureau can get around to it to classify them they classify them and fix the price above the minimum as high as $500 an acre. Then they restore them to entry at the classified price.

Now, your sale law should only apply to the unreserved lands. That means lands that have never been reserved as coal lands and lands that have been reserved and classified and restored—those are the only lands you should apply your sale law to. Otherwise you are liable to have some one go on to reserved coal lands, which you intend to classify at anywhere up to $200 an acre or more, for the minimum price of $10 and buy them. Now, that would be a very objectionable thing.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FERRIS. Reserving the right to object, Mr. Chairman, I ask unanimous consent that the debate on this paragraph close at the expiration of 10 minutes, 5 to be occupied by the gentleman from Wyoming [Mr. MONDELL] and 5 by some member of the committee who may desire to reply to him.

Mr. LENROOT. I hope the gentleman will not object to the extension of time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. With reference to the meaning of the term "reserved," we all understand the meaning of it technically. But I want to ask the gentleman this question: Does the term "reserved" in the law apply to lands withdrawn for purposes of classification only?

Mr. MONDELL. "Reserved," as I understand it, applies to lands withdrawn for any purpose under the law. There is another class of lands, and that is another matter that I want to refer to, because I do not think we want to apply the law of 1870 to forest reserves.

The law of 1870 never has applied to forest reserves, and I can understand how a man might go into a forest reserve on land worth $100 an acre for timber and find enough coal to form the basis of a coal application and buy it at $10 an acre. You do not want to permit that, but that is just what could be done unless you adopt my amendment.

I assume that the only lands that you want to sell, and the only ones that it is proper to sell, are unreserved or classified lands. The classified price is in some instances above $400 per acre. The same class of coal land you can buy in Kentucky, Indiana, and other States at half the price. The only lands that can now be bought under the act of 1870 are the unreserved lands; that is, the lands outside of the forest reserves, the lands that never have been reserved, or the lands that may have been reserved, classified, and then restored. Those are the lands that your committee unquestionably intended to have this statute apply to.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Kentucky?

Mr. MONDELL. Yes.

Mr. SHERLEY. It may be an ignorant question, because I am not very well advised about the land laws. Would the effect of the gentleman's amendment be, if an entry was made upon lands that were not classified and valued, to prohibit the department from classifying them and giving them a value beyond the minimum if it were discovered that those lands were of value?

Mr. MONDELL. Well, the department has, I think, finally held that where a valid application is made under the law they can not thereafter raise the price.

Mr. SHERLEY. What I am anxious to see written into this law—and I have listened with interest to what the gentleman from Illinois [Mr. MANN] said—is that the classification that may now exist or that may be made hereafter under regulations of the department shall not by implication be repealed in the law that we are now passing.

Mr. MONDELL. My amendment is intended to remove any danger of that.

Mr. SHERLEY. Well, I understand that was the purpose of it——

Mr. MONDELL. And I have another amendment following which I shall offer to perfect the matter.

Mr. SHERLEY. If the gentleman will permit, what I was impressed with was the question whether in trying to cure one thing you did not open up a danger elsewhere; and I was struck with the gentleman's statement that land which was not classified could be entered upon and sold at what would be the minimum price.

Mr. MONDELL. Oh, you can not very well avoid that. But I will say to the gentleman that, as a matter of fact, if there is any coal land anywhere that has not either been classified or examined or withdrawn, it is coal land of mighty little value.

Mr. SHERLEY. I doubt that exceedingly.

Mr. MONDELL. Because the department has in every case given the Government the benefit of the doubt and reserved everything in sight.

Mr. SHERLEY. Yes; where it knew. But it does not always know.

Mr. MONDELL. Well, I think in a hundred million acres somebody might some time find a 40-acre tract that is worth a dollar or two more than the minimum price; but where that occurs in one case, a hundred men will pay an enormous classified price.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. FERRIS. Mr. Chairman——

Mr. MONDELL. Mr. Chairman, just a minute. I want to explain to the gentleman from Oklahoma.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MONDELL. I have another amendment following this. I realize that a leasing bill must apply to reserved and unreserved lands, and so, if this amendment is adopted, I shall offer at the end of line 13 an amendment to insert the words "reserved or unreserved," so that the leasing law shall apply to all of these lands, but the purchase law shall appy only to unreserved lands and lands not on a forest reserve.

Mr. FERRIS. Mr. Chairman, if section 2 added one word or removed one word from the old law, I should not be in favor of it, but it does not. We leave the old law intact, just exactly as it is, nothing more and nothing less.

Mr. MANN. Will the gentleman yield for a question?

Mr. FERRIS. I will.

Mr. MANN. If it neither adds to nor subtracts from the old law, what is the object of it?

Mr. FERRIS. Simply because we pass a new law which operates in full conjunction with it. I mean, so far as reference is made to the coal-land law of 1873, sections 2347 to 2352, we do nothing whatever to it, but leave it in force. If I may proceed for a moment I think I can answer what the gentleman from Kentucky [Mr. SHERLEY] has inquired about. The gentleman from Kentucky [Mr. SHERLEY] suggested to me a moment ago privately that he thought we ought perhaps to keep intact the regulations now in force and which will hereafter be put into force by reason of the law, and I think he made some such suggestion as that publicly to the gentleman from Wyoming [Mr. MONDELL]. Section 2351 of the Revised Statutes, which is a part of the coal-land act, provides "that the Commissioner of the General Land Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections." My thought is—and I think I am right about it—that the Secretary of the Interior and the Commissioner of the General Land Office have already inaugurated rules and regulations

which are not only securing the prescribed $10 an acre for the coal land within the 15-mile limit, and the prescribed $20 an acre for the coal land outside of the 15-mile limit, but they are getting as much as the coal will bear, and in some cases as much as $500 and $600 an acre for some of the land. If we leave the law intact and do not repeal a line of it, surely that part of it which authorizes them to issue and promulgate new rules and regulations is still in full force and effect, and would need no additional legislation to accomplish it. The gentleman from Wyoming [Mr. MONDELL] comes in with an amendment and asks to limit the operation of this lease law to the reserved area only. I do not think that ought to be done.

Mr. MANN. That is not the case.

Mr. LENROOT. He opens that wide open, reserved and unreserved.

Mr. FERRIS. I thought his amendment on page 2, section 2, was to put in only unreserved lands.

Mr. LENROOT. That only applies to purchases.

Mr. MANN. That relates only to purchases.

Mr. LENROOT. And then he makes the lease law apply to all.

Mr. FERRIS. I do not think we do more than that now, as the language stands. If we adopted both of his suggestions we would be exactly where we are now.

Mr. MANN. It seems to me you do a good deal more than that.

Mr. LENROOT. I think so.

Mr. MANN. All the land is made subject to sale, whether it is subject to sale now or not.

Mr. FERRIS. Not at all.

Mr. MANN. If you take the gentleman's amendment, then the land subject to sale is only the unreserved land, while if you take his other amendment, then the land subject to lease is both reserved and unreserved.

Mr. FERRIS. I think the apparent confusion arises from the fact that gentlemen have not recently read the existing coal-land law. It provides that such rules and regulations may be inaugurated as are necessary to vitalize the law.

Mr. MANN. I may be in error as to what it means, but it is not an error caused by failure to read the coal-land law, because I took the trouble to read it in connection with this section, and it made my doubts greater than ever.

Mr. FERRIS. I have not intended to criticize anyone for not reading all the sections; but I have the law, and it provides that they can promulgate any rules or regulations they desire to put the law into effect. Now, under the coal-land act of 1910 they withdrew all the coal lands that they knew about, amounting to 53,000,000 acres. As fast as the Geological Survey can get the money to classify the lands they classify them, so that up to this time 20,000,000 acres have been classified. Now, we are passing a leasing law to lease the coal lands of this country, with provisions for royalties to the Government, and so forth.

Mr. MANN. If the gentleman will permit me, what I am afraid of—and I think possibly some other gentlemen are afraid of—is that the insertion of this provision will give them the right to make entry for land which has been withdrawn for classification but which has not been classified and will give them the right to insist upon a patent for the land on the basis of $10 or $20 an acre.

Mr. FERRIS. The answer to that is that the land is withdrawn, and is not even subject to sale until it is, first, classified, and, second, offered for sale.

Mr. MANN. Yes; but here is a provision that makes it subject to sale.

Mr. FERRIS. Not at all, unless it was already subject.

Mr. MANN. What is the use of putting in a provision which the gentleman and the committee do not intend for a joker, but which may turn out to be a very serious joker? What is the use of doing that when you can guard against it?

Mr. FERRIS. I think the gentleman is mistaken about it. Of course no one wants to do that. I do not want to change the original law at all. I want to let it go exactly as it is. I want the department to have the same right to promulgate rules and regulations that it now has. I neither want to add to nor take from the existing law a solitary word.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. FERRIS. The only thing this section does is to provide that the land shall not be subject to lease if anyone is proceeding under the old law——

Mr. MANN. Oh, no; that is not all it does.

Mr. FERRIS. I think it is.

Mr. MANN. It says these lands may be acquired under the old law.

Mr. FERRIS. They are not even subject to entry or to an application for entry. They are not subject to purchase or anything else until the department classifies them. Prior to that they all stand withdrawn.

Mr. MANN. But Congress has the authority to override all the rules of the department.

Mr. FERRIS. Precisely.

Mr. MANN. And if we make them subject to be acquired, any rule that stands in the way is abrogated.

Mr. FERRIS. I can not think the gentleman is right in his contention about this, but I do not want to be obstinate about it.

Mr. LENROOT. Mr. Chairman, I think the whole matter grows out of a misunderstanding. I think the gentleman from Oklahoma is in part correct and the gentlemen from Illinois and Wyoming are also correct in the position they take. It is clear that there was no intention on the part of the committee to modify or change the existing coal-land laws in regard to purchase in any way, but the law of 1873 does confine the right to purchase to unappropriated and unreserved lands, while the language that we have in the bill, as these gentlemen have stated, would confer the right to purchase any lands, whether withdrawn or not, upon which there may be coal. That clearly was not the intention of the committee.

Mr. TAYLOR of Colorado. We do not want that if it is true.

Mr. FERRIS. It is a question of construction, of course. How can gentlemen read that interpretation into the statute when we expressly mention the sections——

Mr. LENROOT. Coal lands and deposits of coal belonging to the United States may be acquired under the provisions of these sections. We are only referring there to the manner of acquiring that kind of land.

Mr. SHERLEY. We are doing more than that; we are providing as if it read "all coal lands may be acquired"; in other words, it is affirmative.

Mr. LENROOT. That is what I said; we are extending the provisions of the law of 1873 to all lands in the United States which may contain coal, which the law of 1873 does not do.

Mr. FERRIS. But this is in accordance with specific sections.

Mr. LENROOT. That only goes to the method of acquiring it and does not relate in any way to the land affected. Now, if the amendment of the gentleman from Wyoming is adopted it will clear that up, and the other amendment that he will later propose for leasing will leave it just as it was intended.

Mr. SHERLEY. If I understand the amendment of the gentleman from Wyoming it is that all lands not reserved——

Mr. LENROOT. Unreserved lands shall be subject to purchase under the provisions of the bill.

Mr. SHERLEY. I want to put the same inquiry to the gentleman from Wisconsin that I put to the gentleman from Wyoming. It seems to me that there ought to be a right—whether it is in the existing law now or not, there ought to be a right in the Government when application is made for unreserved lands that were not supposed to be of special value but are found to be of special value, to put a valuation on them other than that fixed of $10 or $20, as the case may be. In other words, I do not think the discovery and entry gives a man a right to the land at the minimum price without regard to value. I do not agree with the gentleman from Wyoming that the Government has gone crazy on the valuation of lands. I think the time is coming when its action will be looked upon as conservative.

Mr. LENROOT. In regard to that, the power exercised by the department in reference to the valuation is under the act of 1873, under rules and regulations promulgated, and they will have that right here.

Mr. SHERLEY. The point I am getting at is further than what their right is now—what their right should be. As I understand, the law now is that if classification and valuation has not been made, and a man makes an entry before it is made, he has the right to the land at the minimum price. Now, I do not think that ought to be the law.

Mr. LENROOT. If it has once been appraised, he has the right to enter at the appraised value. In no case is he entitled to enter at the minimum price of $10 or $20 an acre unless it has been so appraised.

Mr. SHERLEY. Do I understand that he can not enter it unless it has been appraised?

Mr. FERRIS. That is true, and there are 33,000,000 acres that he could not get at all.

Mr. MONDELL. Will the gentleman from Kentucky yield?
Mr. SHERLEY. Certainly; I am after information.
Mr. MONDELL. If the land itself contains coal, it can be entered if it has not been withdrawn and has not been appraised.
Mr. SHERLEY. That is the point; should not there be a right when entry is made for the Government to appraise the land?
Mr. TAYLOR of Colorado. There is no such land.
Mr. SHERLEY. There may not be any such land to-day, but to-morrow there may be. Ought there not to be some provision in the law whereby the Government should have the right, even after the entry is made, to put an additional price on the land?
Mr. LENROOT. My contention is that we have the right now. There is no law on the statute books that gives him the right to enter at any fixed price. It is merely a minimum price that is fixed. Although the land has not been appraised, if application is made to enter it the department may fix such price as it chooses.
Mr. MANN. Will the gentleman yield?
Mr. SHERLEY. Yes.
Mr. MANN. Do I understand that under existing law where land has not been withdrawn a man may make application or entry for the land, and if it is coal land the department before it grants the patent appraises the land, he could only, in fact, obtain it on the payment of the appraised price?
Mr. SHERLEY. That may or may not be the fact. The gentleman from Wyoming says one thing and the gentleman from Wisconsin another.
Mr. MANN. The gentleman from Wyoming said that he could make entry, but he did not say upon what terms he could obtain the patent. The gentleman from Oklahoma said it was subject to appraisement after application was made.
Mr. FERRIS. I do not think I said that.
Mr. MANN. Some gentleman said it.
Mr. MONDELL. Mr. Chairman, I understand that if land has been appraised, classified, and restored to entry the price can not be raised after an application is made.
Mr. FERRIS. That is right.
Mr. MONDELL. There is no question about that. That has been decided time out of mind. Now, as to the other question, supposing there were some fragment somewhere that had not been considered coal land, and an entryman made application for it, would the department hold it had the right to price that land above the minimum price? I believe the department has heretofore held that it could not.
The CHAIRMAN. The time of the gentleman from Wisconsin has expired.
Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.
The CHAIRMAN. Is there objection?
There was no objection.
Mr. SHERLEY. I did not quite catch what the gentleman from Wyoming said.
Mr. MONDELL. In such a case as I last referred to, where an entryman had made an application for land that had not been reserved or classified, and discovered coal in the land, and made offering at the minimum price—ten or twenty dollars an acre, as the case may be—the department, I think, has held—I know it has sometimes—that in that case he is entitled to the land at the minimum price; and on this theory, if the gentleman will allow me, that the law being in effect as regards those lands, his right attaches when he makes the application. But I want to assure the gentleman from Kentucky that if there is anything valuable left that has not been withdrawn for classification, nobody knows where it is.
Mr. SHERLEY. Oh, that does not concern me at all, because every day we are discovering things that we did not know yesterday in respect to the mineral wealth of America.
Mr. MANN. The gentleman remembers that my State is rich in coal and oil, but nobody knew it when we took the land.
Mr. SHERLEY. Whether it is in the law now or not, we should write into this bill, if necessary, a provision giving the Government the right to classify and value the land at its true value.
Mr. FERRIS. Does the gentleman mean agricultural entry?
Mr. SHERLEY. I mean that in any entry that is made of land, that is found to be mineral land, before the man gets his title the Government ought to have the right to ask him a fair price instead of an absurdly low price. That is just common sense and common honesty.
Mr. FERRIS. They do that now.
Mr. SHERLEY. That is just the point that we are trying to determine—whether they do or not.
Mr. FERRIS. The trouble with the situation is this: The gentleman from Wyoming [Mr. MONDELL] is talking about coal lands and the gentleman from Kentucky [Mr. SHERLEY] is trying to have it apply to general agricultural lands.
Mr. LENROOT. Mr. Chairman, with reference to the suggestion of the gentleman from Wyoming [Mr. MONDELL], that entryman, when the land has not been classified and appraised, are entitled to receive the land at the minimum price, I would say that that used to be the ruling. It was once ruled, and for a great many years ruled, that language such as this entitled the entryman always to get the land at the minimum price fixed. That was changed a number of years ago by regulation, with reference to the timber and stone act and with reference to the coal-land act, and has been changed, so far as any act that I know of is concerned, where the law itself seeks only in terms to fix the minimum price.
Mr. MONDELL. Mr. Chairman, I think we should not deceive ourselves, whether the situation is as it ought to be or not. The gentleman may be entirely right, but I do not know of any case, although there may be such cases, where the department has held that they could advance the price after the application had been made.
Mr. LENROOT. Where there had been an appraisal.
Mr. MONDELL. Where there had not been an appraisal, where the land was subject to entry and the land lay there subject to entry, and it had not been withdrawn, and application was made. The General Land Office for a time was inclined to hold that there could then be an appraisal, but I think the decisions have lately been to the contrary and to the effect that the right attaches, and there having been no appraisement the minimum price was the price. I do not think there is any serious danger in that situation at the present time.
Mr. SHERLEY. I do.
Mr. MONDELL. Of course it does not affect my amendment in any case. My amendment ought to be adopted.
Mr. SHERLEY. I recall a time when the Land Office did the most absurd and criminal thing ever done. It declared that the minimum price was the maximum price, in plain contravention of common sense and common English. I do not want to take a chance on anything of that kind recurring.
Mr. MANN. Mr. Chairman, will the gentleman yield?
Mr. LENROOT. Certainly.
Mr. MANN. Would it not cover the situation to insert in the proper place as a definition of the coal lands or deposits the words "which have been appraised"?
Mr. FERRIS. Does the gentleman mean for the purpose of a lease law?
Mr. MANN. No; for the purpose of sale.
Mr. FERRIS. That is all that can be done now, the gentleman from Wyoming to the contrary notwithstanding.
Mr. MANN. We do not agree with the gentleman on that, and what is the use of taking chances? Is there any harm in that? Is it intended to throw any of this coal land open to sale except that which has been appraised?
Mr. FERRIS. Not at all.
Mr. MANN. Then why not say so?
Mr. FERRIS. I am quite willing.
Mr. MANN. Why would it not do to insert, after the word "Alaska," the words "which have been appraised," so that it would read:

That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, which have been appraised, may, unless an offering—

And so forth?
Mr. TAYLOR of Colorado. Which have heretofore or may hereafter be appraised.
Mr. MANN. It means the same thing.
Mr. MONDELL. I prepared two amendments in case this amendment was not adopted. If this amendment is not the proper form, the word to use, I should think, would be the word "classified" as universally used by the department; and if you say "classified" lands, it is not necessary to say hereafter or heretofore classified at the time.
Mr. MANN. Classified coal lands or deposits.
Mr. FERRIS. That is what the committee wants to do.
Mr. MONDELL. Mr. Chairman, I ask unanimous consent to withdraw my amendment and insert in lieu of the word "unreserved" the word "classified."
The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to modify his amendment in the manner indicated.
Mr. TAYLOR of Colorado. Let the Clerk read it.
The Clerk read as follows:

Page 2, line 6, after the word "that," insert the word "classified."

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.
The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I am not quite clear in my mind as to the necessity of amending the section on the last line, in view of the fact we have amended the first section, though I am inclined to think that an amendment is necessary, in view of the fact that line 13 refers to "such lands or deposits," and it would probably be said that such lands and deposits refer to classified lands.

Mr. TAYLOR of Colorado. I think we had better put that in.

Mr. MONDELL. If it does, we could meet the situation by simply using the words "classified or unclassified" at the proper place.

Mr. MANN. Of course, this section is not the section which defines lands which may be taken under lease. It is immaterial whether you put it in or leave it out, so far as the meaning is concerned.

Mr. FERRIS. I rather think the intent ought to be clear; and inasmuch as we put it in at one place we ought to put it in at the other.

Mr. MANN. This only says those lands can be subject to lease. The next section defines the lands which are subject to lease; so it does not make any difference one way or the other.

Mr. FERRIS. I think I would rather have it go in, as long as the first one has been adopted.

Mr. MONDELL. Mr. Chairman, I offer an amendment. After the word "deposits," at the end of line 13, insert a comma and the words "classified or unclassified" and a comma.

The CHAIRMAN. The gentleman from Wyoming withdraws the pro forma amendment and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 13, after the word "deposits," insert a comma and the words "classified or unclassified" and a comma.

Mr. MANN. Mr. Chairman, I do not know that it can do any harm, but it is certainly very poor rhetoric, because such lands are only classified lands.

Mr. TAYLOR of Colorado. Why not place it after the word "such" instead of after the word "deposits"?

Mr. MANN. That is the same thing. The only lands that you refer to in the language of this section are classified lands. It is not necessary to put in either one. It is only classified lands. Now, classified lands you can buy, and this section does not define lands which are leased; but the next section says:

Any of the deposits of coal owned by the United States outside of the Territory of Alaska, into leasing blocks or tracts of 40 acres each—

And so forth.

Mr. MONDELL. Will the gentleman from Illinois allow me? This law will be construed after consideration of all of its sections, and if in one section you say only classified lands may be leased and in another section that all lands may be leased, without referring to whether you include classified and unclassified, you at least leave out——

Mr. SHERLEY. It is easy to get at that by leaving out the word "such." I suggest it could be provided by striking out the words "or such lands may be leased," and put it, in substance, in this form: "*Provided, however*, That such provision shall not prevent the leasing"——

Mr. MONDELL. If I may be allowed——

Mr. SHERLEY. If the gentleman will just let me finish my sentence—I do not like to leave a sentence in the air, like Mahomet's coffin—"*Provided, however*, That such provision shall not prevent the leasing of classified lands with others, as provided in the following section." Language of that kind would clearly reach the trouble, but you can not turn in and qualify the word "such" without rendering the language topsy-turvy.

Mr. MONDELL. What I was going to suggest was, in lieu of what I have offered, that the word "such," in line 13, be stricken out and the word "coal" inserted, which would relieve the situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. MONDELL. In line 13 strike out the word "such" and insert "coal."

Mr. FERRIS. "Coal lands, classified or unclassified." I think that ought to go in.

Mr. MANN. That any coal lands or deposits, classified or unclassified, may be leased?

Mr. FERRIS. Will the gentleman from Wyoming modify his amendment to the extent of striking out the word "such," in line 13, page 2, and insert in lieu thereof "coal lands or deposits, classified or unclassified," so it will read——

Mr. LENROOT. Will the gentleman yield?

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. LENROOT. May I make this suggestion? The only purpose of section 2 is to make it optional in reference to certain specific lands. Now, if there is any addition to the language of section 2 to govern section 3, why not wait until we get to section 3, and then insert the words "classified or unclassified"?

Mr. MONDELL. If the gentleman from Illinois [Mr. MANN] will allow me, my intention in modifying my amendment was not to continue the words "classified and unclassified," but simply to insert in lieu of the word "such" the word "coal," so that it would read "coal lands or deposits may be leased," then the following section defines what coal lands and deposits. Striking out the word "such," then, does not lead in the section reference back to the word "classified."

Mr. TAYLOR of Colorado. If there is any question about it, why not put it in?

Mr. FERRIS. Let the gentleman modify his amendment.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent, if I have the consent of the gentleman from Illinois [Mr. MANN], who controls the time, to modify my amendment as follows: Line 13, strike out the word "such" and insert the word "coal." At the end of line 13 insert the amendment I have already sent to the desk.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to modify his amendment already offered. The Clerk will report the proposed amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "such" and insert the word "coal," and after the word "deposits," at the end of the line, insert a comma and the words "classified or unclassified."

The CHAIRMAN. Is there objection to the modification? [After a pause.] The Chair hears none.

Mr. TALCOTT of New York. Mr. Chairman, I move to amend the amendment by inserting after the word "deposits" the words "of coal."

Mr. MANN. You would not say "coal lands or deposits of coal"?

Mr. TALCOTT of New York. Yes. That is the language used in line 6.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, after the word "deposits," insert the words "of coal."

Mr. FERRIS. Mr. Chairman, I do not think that would be necessary.

Mr. TALCOTT of New York. That is the language used in line 6.

The CHAIRMAN. That is not an amendment to the amendment.

Mr. MANN. That is to insert in a part of the amendment of the gentleman from Wyoming the words "of coal."

Mr. TAYLOR of Colorado. There is no objection to that.

Mr. LENROOT. That has not been adopted.

Mr. SHERLEY. I understand; but I think we can have one amendment to simplify the whole business. I suggest that the word "or" should be changed to the word "but," and the reason for that suggestion is this, that the trouble you are having with your English in the sale provision is that there you are dealing only with classified lands, whereas in your leasing provision you want to provide for all of them. Therefore the word "or" is not a suitable word, because it does not connect things that are the same. The word "but" is the proper word.

Mr. MANN. Why not use the word "and"?

Mr. SHERLEY. That is all right, but the word "or" is not the proper word. The word "or" is to balance equal phrases.

The CHAIRMAN. The question is on agreeing to the pending amendment.

Mr. MONDELL. Mr. Chairman, has my amendment been adopted?

Mr. SHERLEY. No; it has not.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that we first dispose of the amendment offered by the gentleman from Wyoming as amended by the gentleman from New York [Mr. TALCOTT]. The suggestion of the gentleman from Kentucky [Mr. SHERLEY] strikes at another amendment.

Mr. SHERLEY. None of them is pending yet, because unanimous consent was not given for the modification.

The CHAIRMAN. Unanimous consent was given to the gentleman's modified amendment. The gentleman from New York [Mr. TALCOTT] offered an amendment to that amendment.

Mr. SHERLEY. I do not care to press the point, but I did not give unanimous consent to it.

The CHAIRMAN. The Chair put the question, and there was no objection.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to again modify my amendment so as to include the suggestion of the gentleman from Kentucky.

The CHAIRMAN. The Clerk will report it.

Mr. MONDELL. My suggestion is, in line 13, to strike out the words "or such" and insert the words "and coal," and at the end of line 13 to insert the words "of coal, classified or unclassified."

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to substitute in lieu of the pending amendment the amendment which the Clerk will report.

The Clerk read as follows:

Page 2, line 13, after the word "thereto," strike out the words "or such" and insert the words "and coal," and after the word "deposits," at the end of the line, insert the words "of coal, classified or unclassified."

The CHAIRMAN. Is there objection?

Mr. BRYAN. Reserving the right to object, Mr. Chairman, would it not be necessary to add also the words "exclusive of those in Alaska"? Because if you put here a new sentence providing for the leasing of coal lands you abandon the exclusion in the seventh line of page 2, which limits the leasing by the terms "exclusive of those in Alaska." Now, if you are going to make a new leasing provision here you have got to carry in those words also as well as the words added from time to time.

Mr. FERRIS. Mr. Chairman, I call for the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. FERRIS. The gentleman can insert that afterwards.

Mr. MANN. You can not do that after you agree to this amendment. After the word "coal," offered by the gentleman from Wyoming, insert the words "exclusive of those in Alaska."

Mr. FERRIS. I do not object to that, but we already have five or six amendments, and no one can tell what it means. We started out with a change of one word, as suggested by the gentleman from Wyoming. Now we have five or six other matters relating to that concerning verbiage. We can not tell where we will get to by this method.

Mr. MANN. I think we can tell easily enough. Let us see how it would read: "And coal lands and deposits of coal, classified and unclassified, exclusive of those in Alaska, may be leased as hereinafter provided." That is perfectly plain, is it not?

Mr. TAYLOR of Colorado. Mr. Chairman, we accept it all. Let us go ahead.

Mr. MANN. Insert, after the word "unclassified," the words "exclusive of those in Alaska."

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "unclassified," proposed to be inserted at the end of line 13, page 2, the words "exclusive of those in Alaska," so that the lines, as they are intended to be amended, will read as follows: "and amendatory thereof and supplemental thereto, and coal lands or deposits of coal, classified or unclassified, exclusive of those in Alaska, may be leased as hereinafter provided."

Mr. McKENZIE. Mr. Chairman, I want to make one suggestion to the chairman of the committee which, it seems to me, will straighten out this whole tangle; that is, to have the first line written in these words:

That lands containing deposits of coal.

Mr. FERRIS. That would not do, because we allow surface entries of coal in the West, and it must be both the deposits and the lands. In some instances we want to lease both the land and the coal and in other instances only the deposits of coal. That is a well-recognized practice and necessary in the West, because they are doing it constantly. So I take it the gentleman would not want to insist on that.

Mr. LENROOT. Mr. Chairman, this matter has got into such shape now that I feel all these amendments should be defeated and the language remain as it now is in the section, otherwise you will get this into a form that is involved and ungrammatical and you will accomplish absolutely nothing. If this language remains as it is, it will merely permit the classified lands to be either leased or purchased. If there is any question of construction, then if in section 3, after the word "coal" in line 17, we insert the words "classified or unclassified," the entire matter is as clear as day. It is not good workmanship to encumber this section with such an amendment as is now proposed.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to the amendment of the gentleman from Wyoming.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MONDELL. Division, Mr. Chairman.

Mr. TAYLOR of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAYLOR of Colorado. Did the gentleman from Wisconsin [Mr. LENROOT] offer an amendment to strike out everything beginning with the word "or," in line 13, to the end of the section, and to let this section apply only to what it ought to apply to?

The CHAIRMAN. The gentleman did not offer any such amendment. No such amendment is pending. The gentleman from Wyoming demands a division, and the question is on the amendment of the gentleman from Wyoming.

The question being taken, on a division there were—ayes 17, noes 18.

Mr. MONDELL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wyoming makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-two Members—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adamson	George	L'Engle	Sabath
Austin	Gerry	Lewis, Pa.	Saunders
Barchfeld	Gittins	Lindquist	Sells
Bartlett	Godwin, N. C.	Loft	Sinnott
Brown, N. Y.	Goldfogle	McClellan	Slemp
Browning	Graham, Pa.	McGillicuddy	Small
Burke, Pa.	Griest	Mahan	Smith, Md.
Burnett	Guernsey	Maher	Smith, N. Y.
Calder	Hamill	Manahan	Stafford
Cantor	Harris	Martin	Steenerson
Clancy	Hensley	Merritt	Stevens, N. H.
Connolly, Iowa	Hinds	Metz	Stout
Conry	Hobson	Moore	Stringer
Covington	Hoxworth	Morin	Sutherland
Crisp	Humphreys, Miss.	Moss, Ind.	Taggart
Dies	Igoe	Murdock	Talbott, Md.
Driscoll	Johnson, S. C.	Norton	Tavenner
Dupré	Jones	O'Leary	Thacher
Elder	Kent	O'Shaunessy	Townsend
Fairchild	Kettner	Palmer	Watkins
Faison	Kiess, Pa.	Parker	Whitacre
Finley	Kindel	Peters	Wilson, N. Y.
Fitzhenry	Kinkead, N. J.	Powers	Winslow
Frear	Knowland, J. R.	Riordan	Woodruff
Gardner	Korbly	Rothermel	Woods

The committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, finding itself without a quorum, he caused the roll to be called, when 333 Members—a quorum—answered to their names, and he reported the names of the absentees to be entered in the Journal and RECORD.

The SPEAKER. A quorum is present. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to have the amendment reported again.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, after the word "thereto," strike out the words "or such" and insert the words "and coal"; and after the word "deposits," at the end of the line, insert the words "of coal, classified or unclassified."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior is authorized to, and upon the petition of any applicant qualified under this act shall, divide any of the deposits of coal owned by the United States outside of the Territory of Alaska into leasing blocks or tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter the Secretary of the Interior shall from time to time, upon the request of any applicant qualified under this act or on his own motion, offer such lands or deposits of coal for leasing, and, upon a royalty fixed by him in advance, shall award leases thereof through advertisement, by competitive bidding, or, in case of lignite or low-grade coals, such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States or has declared his intention to become such, or to any association of such persons, or to any cor-

poration or municipality organized under the laws of the United States or of any State or Territory thereof: *Provided*, That no railroad or other common carrier shall be permitted to take or acquire through lease or permit under this act any coal lands or deposits of coal in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder. That such a railroad or common carrier may be permitted to take under the foregoing provisions not to exceed one lease hereunder upon and for each 200 miles of its line in actual operation. The term "railroad" or "common carrier" as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease, and any company or corporation subsidiary or auxiliary thereto, whether directly or indirectly connected with such railroad or common carrier.

Mr. LEVY. Mr. Chairman, I desire to offer an amendment.

Mr. RAKER. I have an amendment to offer.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized.

Mr. LENROOT. Will the gentleman from California yield to me to offer an amendment to finish up the same thing we were discussing in section 2?

Mr. RAKER. I yield to the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from California withdraws his amendment. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 17, after the word "coal," insert the words "classified or unclassified."

Mr. LENROOT. Mr. Chairman, this is only for the purpose of clearing up the controversy relative to section 2, and I think it clarifies the meaning.

Mr. MANN. Should it not be "classified and unclassified"?

Mr. FERRIS. They generally refer to them in the alternative—"classified or unclassified."

Mr. MANN. It depends on what you mean. You want to provide for both classified and unclassified, not "or."

Mr. LENROOT. Mr. Chairman, I ask to modify the amendment by striking out the word "or" and inserting the word "and."

The CHAIRMAN. Without objection, the amendment will be so modified. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 17, after the words "any of the," insert the words "coal lands or."

Mr. RAKER. That is simply to correct a misprint.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. RAKER. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In lines 7 and 8, after the words "United States," strike out the words "or has declared his intentions to become such."

Mr. RAKER. Mr. Chairman, this is simply to make this provision conform to the rest of the bill.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. THOMSON of Illinois. Mr. Chairman, I move to strike out the last word. In the remarks I made on this bill under general debate I made this statement:

It is difficult to find any valid claim for any of our States of the West to the public lands within their boundaries when we remember that, excepting the State of Texas, all the land west of the Mississippi River was bought and paid for by the Federal Government before most of the Western States were occupied by white men. These lands cost the Government a total of nearly three-fourths of a billion dollars. Not a dollar of this money was paid by any one of the States. It came out of the Treasury of the United States, money obtained from taxation of all the people.

At that time Mr. JOHNSON of Washington questioned my assertion and alleged that the Oregon Territory was acquired without any cost to the United States.

On Saturday last, when the bill was under consideration under the five-minute rule, the gentleman from Washington [Mr. HUMPHREY] referred to that statement of mine made under general debate, and he proceeded as follows:

That is a statement that we hear a great many times. The only trouble with the statement is that it is not correct. I want the gentleman from Illinois to know, and other gentlemen of the committee, that the Oregon country, comprising Washington, Oregon, a part of Montana, and Idaho, never cost the Government one penny.

Mr. Chairman, I wish to call the attention of the gentlemen from Washington [Mr. JOHNSON and Mr. HUMPHREY] to some statements contained in a book on The Public Domain, by Donaldson, which I think all will recognize as an authority on the subject. Donaldson states in this work, with reference to the Louisiana Purchase, that the boundaries of the Province of Louisiana, as ceded by Napoleon to the United States, were indefinite. The treaty itself, according to Chief Justice Marshall, has been couched in terms of "studied ambiguity." However, the boundaries of this Province were sufficiently definite to make it certain that the Oregon country was included within it. In this book Donaldson gives the cost and area of the Louisiana Purchase, and included in this data given by Donaldson is the following:

State of Oregon, 95,274 square miles; Territory of Washington, 69,994 square miles; Territory of Montana, 143,776 square miles; Territory of Idaho, 86,294 square miles.

In this volume is a map of the United States, which map contains the boundaries of the Louisiana Purchase, and included within those boundaries is the land now comprised in the States of Washington, Oregon, Montana, and Idaho.

Now, it is claimed by the gentlemen from Washington [Mr. HUMPHREY and Mr. JOHNSON] that the Oregon Territory, which was made up of parts of these States, never cost the United States anything, and that the sole right of the United States to that Territory was based on discovery, and that the title of the United States to the Territory was based on the treaty of 1846 with Great Britain.

There was a treaty involving the Oregon Territory in 1846, but I call attention of the gentlemen from Washington to the fact that in the negotiations which the United States had with Great Britain, which led up to the treaty, the United States based its claim of title to that Territory on the Louisiana Purchase. The United States also called the attention of Great Britain to the fact that they had a claim to that Territory, independent of the Louisiana Purchase, due to the discovery of the mouth of the Columbia River by a man named Gray.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. THOMSON of Illinois. Yes.

Mr. JOHNSON of Washington. Is it not a fact that the claim which the United States had to the so-called Oregon country based on the Louisiana Purchase territory was in such words of "studied ambiguity," in fact, so shadowy, that the backing up of it by right of the claims of discovery by Capt. Robert Gray and subsequent occupation gave the United States really its rights to the Oregon country?

Mr. THOMSON of Illinois. Both of those claims were made, but the foundation of the claim of the United States to the Oregon Territory was the Louisiana Purchase.

Mr. Chairman, I wish to call attention to the following quotations from the publication on The Public Domain, by Donaldson:

After the purchase of Louisiana by the United States, in 1803, the Government opened negotiations with Great Britain for fixing the northern boundary line of the Province of Louisiana. In 1807 an agreement was reached by the two nations, but not signed. The War of 1812 between them prevented its consummation.

The question was not opened again until the treaty of October 20, 1818, and then only to the Rocky Mountains. Spain, by the treaty at Washington February 22, 1819, waived this claim and ceded to the United States her claims to Oregon Territory.

The French, prior to their sale of the Province of Louisiana and possessions to the United States, claimed the country south of the British possessions and west of the Mississippi River to the Pacific Ocean by reason of discovery and exploration of the Mississippi River. This claim the United States, being the successor of France, also urged and stood upon.

The United States held an independent claim to that portion of the Louisiana Purchase known as Oregon, based upon the discovery of the mouth of the Columbia River in May, 1791, by Capt. Gray, of Boston, in the ship *Columbia*, naming the river from his ship.

The convention between the United States and Great Britain of October 20, 1818, kept the line indefinite, and in the third article provided for joint occupancy and use of the territory claimed by both, by the people of the two countries on the northwest coast of America westward of the Stony (Rocky) Mountains, without prejudice to any claim of either of the contracting parties to any part of said country. This was to hold for 10 years, from the 20th day of October, 1818.

This still left this northwestern boundary line undefined.

The convention between the United States and Great Britain of date August 6, 1827, by Albert Gallatin on behalf of the United States and Charles Grant and Henry Unwin Addington, by the first article indefinitely extended this provision, with the right of either party after October 20, 1828, on 12 months' notice of the intention to annul and abrogate the same.

Article 3 again reserved the claim of either party to the territory west of the Stony or Rocky Mountains.

THE NORTHWESTERN BOUNDARY QUESTION.

The northwestern boundary question was a source of constant irritation and serious trouble between the United States and Great Britain and their citizens.

* * * * * * *

In 1846, after great political heat and discussion and occupation of disputed territory by armed forces of both nations, by a treaty at Washington concluded between Great Britain and the United States, by Richard Pakenham and James Buchanan in behalf of their respective countries, June 15, 1846, it was agreed by article 1 that the northern boundary line should be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouvers Island, and thence southerly through

the middle of the said channel and of Fuca Straits to the Pacific Ocean, and thus the boundary line was extended from the Rocky Mountains to the Pacific Ocean along the forty-ninth parallel of north latitude.

* * * * * * *

The western boundary line of the United States from latitude 49° north, going south, the Pacific Ocean, was determined by discovery (Capt. Gray's, 1791), and the purchase from France of the Province of Louisiana, under treaty at Paris, France, April 30, 1803, by the United States, concluded by Robert R. Livingston and James Monroe on behalf of the United States, and Barbé Marbois on the part of France, and by the purchase from Spain of the Floridas, February 22, 1819, from latitude 49° north (confirmed by various treaties set out in description above of northern boundary lines), along the Pacific Ocean to about latitude 42° north.

Now, Mr. Chairman, I think it must be conceded that I have established the correctness of my original statement, my friends from Washington to the contrary notwithstanding.

The contention of these gentlemen that the Oregon Territory, comprising the present States of Washington, Oregon, and parts of Montana and Idaho, did not cost the United States one penny is not borne out by the facts. All this area was included in the Louisiana Purchase. True some claim was made to this Oregon Territory by Great Britain, which was relinquished by them under the treaty of 1846, but the title of the United States to this territory did not originate with the treaty of 1846. The treaty of 1846 merely removed a cloud from the title, to use a legal term, which title originated through the purchase of this land from the French in connection with the Louisiana Purchase.

The fact that the United States supplemented their claim that they held the Oregon Territory through the Louisiana Purchase by calling attention to the discovery of the mouth of the Columbia River by Capt. Gray, in connection with their negotiations with Great Britain preceding the execution of the treaty of 1846, does not change the fact that the $15,000,000 the United States paid France for the Province of Louisiana included the area comprised within what was later known as the Oregon Territory.

When Great Britain later made some claim to the Oregon Territory, the United States removed all such claim through the treaty referred to. But the fact remains, our Government did purchase the title to all this area in making what we know as the Louisiana Purchase.

Mr. LEVY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, on page 3, line 15, the words "used solely for its own use," and insert the words "sell coal not exceeding 50 tons to any one purchaser at one time."

Mr. LEVY. Mr. Chairman, it is a well-known fact that ever since the Hepburn law was passed coal has been sold at an excessive price in all the cities of the Union. In the city of New York it was $4.50 a ton previous to the enactment of the Hepburn law, and to-day it is between $7 and $7.50 a ton. In the city of Seattle when the Hepburn law was passed coal advanced to $17 and $18 a ton on account of the Northern Pacific Railroad withdrawing its coal. That winter there was quite a famine in coal in that section of the country. It is a very serious proposition to the cities of the United States as to what price they shall pay for coal. There is no reason why we should restrict the railroads from selling coal to the people of Alaska. In fact, I believe the only way that you can obtain capital for the mining of coal in these territories is through corporations to a great extent, and it will do no harm to allow railroads, when they are established, there or in any other section of the country, to retail coal to the people of the localities, and in that way the people may obtain coal at a reasonable price. At the present time, as I say, the price is excessive in all of the cities of the Union. In New York City it is costing from $7 to $7.50 a ton for anthracite coal, and I think if you will adopt this amendment it will be of great benefit to the citizens of the locality in which the coal mines are situated, especially in Alaska, and will give an opportunity to many people to store their coal up for the winter, and also to buy small amounts of coal, and in that way the people will obtain coal at a reasonable rate. [Applause.]

Mr. RAKER. Mr. Chairman, this provision as it is now in this bill is practically the same as was put in the Alaska coal bill. The provision was put in here for the purpose of allowing the railroad companies running through any public land where there is coal to mine a certain amount for their own individual use, for the purpose of running the railroads, to the end that they should not be put to any extra expense. But to permit them to enter into the business of transporting coal other than to run the railroad is just what the trouble has been in the East, where railroads have been permitted to be both transporters and shippers and handlers of coal. It would be an unfortunate thing if such an amendment as this should prevail.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. FOSTER. As I understand, the condition of which the gentleman from New York [Mr LEVY] complains is that the railroads do own the anthracite coal, and what he is complaining about is that the people are compelled now to pay excessive prices for it.

Mr. LEVY. Has it not been disastrous to the people of the country since the Hepburn law was passed, in respect to the price of coal? Does the gentleman not believe that to-day that law ought to be repealed in that respect? The people of this country are paying an excessive price for the coal, and why? Because they are obliged to have a half dozen companies through which to distribute it, and the result is that the price is so excessive that the people will not stand for it very much longer.

Mr. RAKER. That does not apply to public lands.

Mr. LEVY. And that is the reason I want to make an exception.

Mr. RAKER. We have the proviso that they can not handle the coal for the purpose of shipping—in other words, being producers of coal and at the same time having a monopoly upon the transportation——

Mr. LEVY. That is the reason I put in the small amount—not exceeding 50 tons at any one time—so that the public in the the particular locality, as in Alaska, would have the opportunity of buying 50 tons of coal and storing it for the winter. I doubt very much if you are going to secure capital for the development of the coal lands.

Mr. RAKER. Oh, yes; there will be plenty of capital. We do not want to treat the railroads unfairly, and we provide that they may have the right to obtain public land through which the railroad runs for the purpose of having sufficient amount of coal to run their business legitimately and no more. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LEVY) there were—ayes 3, noes 13.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to insert after the word "shall," on page 2, line 25, the words "in his discretion."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 25, after the word "shall," insert the words "in his discretion."

Mr. MANN. Mr. Chairman, I take it that there is no objection to that. I shall not offer any amendment in reference to the matter of bidding, although it seems to me that it would be desirable to permit bidders to bid upon royalties after fixing a minimum royalty instead of requiring them to bid upon a cash bonus. One can readily imagine that a small corporation might be in a better position to bid an increased royalty, which was to be paid from time to time as the coal was mined, rather than to pay a fixed amount to begin with.

Then I would like to call the attention of the gentleman from Oklahoma to the provision in regard to railroads. Under the terms of the proviso in section 3 no coal company can build a railroad to reach its own mine. There are a good many cases where it may be necessary for the coal company itself to build a short branch line from some railroad in the neighborhood to its own mine as has frequently been the case in West Virginia and probably in other parts of the country. We passed a law requiring a railroad company to make the connection between those short lines and the main line, and that is carried in the amendment to the act to regulate commerce.

Mr. FERRIS. Where does the gentleman find the limitation to which he refers, that a railroad can not build a spur to its own mine for its own use?

Mr. MANN. There is a limitation against a railroad acquiring any coal lands or anything of that sort.

Mr. FERRIS. The railroad can acquire them for its own use, or lease them, every 200 miles.

Mr. MANN. A railroad can acquire coal for its own use, yes; but a railroad is defined to mean a coal company. The definition of "railroad" is as follows:

The term "railroad" or "common carrier" as used in this act shall include any company or corporation owning or operating a railroad.

Therefore a coal company, as I read it, becomes a railroad company under the definition that I have just read, and hence can not handle any coal except for its own use. Perhaps I am mistaken in that, but I hardly think so. The purpose of a coal company is to handle coal to sell to other people. The purpose in mind in drafting this provision is to prevent a railroad com-

pany from selling coal to other people, but the definition of a railroad includes a coal company itself.

Mr. MADDEN. It must have a railroad.

Mr. MANN. Because you say in the definition that the term "railroad" shall include any company or corporation owning or operating a railroad. Therefore, if a coal company bids a royalty and operates the mine for its own use, it is a railroad, and, under the terms of the act, is forbidden to sell coal.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MADDEN. Would it be a railroad company if it was not organized under the laws of a State?

Mr. MANN. It would, so far as this law is concerned, because of the definition. We can say that the term "railroad" shall include an aeroplane company, if we want to, for the purpose of the bill. Of course we do not change what the railroad is, but we define what the term "railroad" in the bill means. And under the terms of the bill there would be that trouble. I suggest that to the gentleman, so that he may think it over and possibly correct it.

Mr. STEPHENS of Texas. Will the gentleman from Illinois yield for a moment?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. I desire to ask the gentleman from Illinois if he does not think that the word "shall," in line 25, be stricken out and the word "may" be substituted, so that it will read "the Secretary of the Interior may, in his discretion, from time to time"?

Mr. MANN. Well, I have no objection to that; it probably means the same thing.

Mr. RAKER. Why not leave it "shall"? You are giving enough discretion now.

Mr. MANN. I think it means precisely the same thing whether you put it "may" or "shall." There is no difference in the meaning.

Mr. STEPHENS of Texas. I think "may" would be the better language.

Mr. RAKER. I believe this bill is intended to be workable, so that if anybody wants to get coal lands they ought to get them. Is not that right?

Mr. MANN. Certainly; but it ought not to be fixed so somebody can take offerings and prevent somebody else getting coal lands. I think they mean precisely the same thing in that place.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer an amendment, and I offer it to the proviso at the end of section 3, page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 3, line 2, page 4, add the following:
"That nothing herein contained shall be held to prohibit a lessee from building and operating necessary branch, stub, or tap lines or connections."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. FOSTER. Mr. Chairman, just a moment.

The CHAIRMAN. Does the gentleman from Illinois desire recognition on the amendment?

Mr. FOSTER. Yes. Does that permit the building of a railroad, no matter how far it may be from the coal mines?

Mr. MONDELL. I think not. I think I should not offer it if it would have that effect. I am not personally favorable to the provision in the bill which allows railroads to mine coal for themselves. I doubt the propriety of it, but I do not propose to offer an amendment striking it out. The committee in their wisdom adopted it. I rather think the railroad companies ought to confine their operations to carrying freight, but that language was in the bill, and I think there is a question, as the gentleman from Illinois suggested, whether that might not be construed to prohibit a lessee building a branch connection of a railroad or stub line or tap line, and, of course, that is intended to prevent it.

Mr. FOSTER. What I was thinking about was this: That there are some places in the West where they have to go possibly 10 or 12 miles with a tap-line railroad, and they are organized as a railroad.

Mr. MONDELL. Sometimes as a tap line, as is the phrase.

Mr. FOSTER. And they issue bonds for that railroad and have a capital stock.

Mr. MONDELL. Where such a railroad is organized as a railroad as a common carrier, then it would clearly come under the classification of the bill; but the lines that I had in my mind, that are necessary, are the ordinary loading and connecting lines which are ordinarily not common carriers.

Mr. FOSTER. Well, I think that they share the profits of carrying coal over that particular line.

Mr. MONDELL. They do by a provision of law.

Mr. FOSTER. Now, I think what ought to be permitted is this: To put in tracks if necessary to get out their own coal; but whether they are to be permitted to organize a railroad and run that in connection with their mines is the question.

Mr. MONDELL. Well, it is certainly necessary, if a lessee leases a coal mine some distance from the main line, for him to have some facilities to get his coal to the main line, and quite frequently he has to build that himself, 1, 2, 3, 4, 5, 7, or possibly 8 miles. Those are stub or tap lines, as they are generally referred to, and I do not think they ought to prohibit the building of that sort of a line that may be absolutely essential.

Mr. FOSTER. I do not believe under this bill that they would be prohibited.

Mr. MONDELL. I am inclined to think they would. I had intended first to offer an amendment striking out that entire railroad provision, "that the term 'railroad' or 'common carrier' as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease."

Mr. FOSTER. The gentleman does not think that will affect a little spur railroad that might be built to a coal mine? It seems to me that is part of the coal company, and not embraced in the term "railroad" or "common carrier."

Mr. NORTON. Will the gentleman yield for a question?

Mr. MONDELL. I do.

Mr. NORTON. Would not the objection that is made to the present form of the proposed law be met by an amendment providing that the railroad if operated might not give the company a right to sale of the coal for public use? After the word "operating," in line 23, page 3, add the words "for public use," so that the sentence would read, "the term 'railroad,' or 'common carrier,' as used in this act shall include any railroad or corporation owning or operating for public use a railroad, whether under a contract, agreement, or lease."

Mr. FERRIS. Does not the gentleman think the words "common carrier" embodies that and more? Does not the gentleman think that so long as there is a distinct definition of common carrier that any words you put in might be words of limitation and really do more harm than good? We were very anxious to have every railroad made a common carrier.

Mr. NORTON. What you want to do in this case is to limit the character of the railroad or common carrier that may operate.

Mr. FERRIS. If they are a common carrier they have to carry.

Mr. FOSTER. It does seem to me that it limits it to the common carrier for public use, and the amendment of the gentleman from Wyoming [Mr. MONDELL] is unnecessary.

Mr. LENROOT. Mr. Chairman, I am afraid that, conceding the desirability of an amendment, the amendment of the gentleman from Wyoming [Mr. MONDELL] will hardly reach it, because the language of his amendment is to save the lessees from the prohibition of the act against building certain railroads, whereas there is nothing in the section now to prohibit the building of railroads.

Now, as the gentleman from North Dakota [Mr. NORTON] has suggested, if there is any question, it can easily be cleared up by inserting as an amendment, in line 23, after the word "railroad," the words "as a common carrier," which was clearly the intention of the committee; and so far as the first part of the proviso is concerned, reading that "no railroad or other common carrier shall be permitted," and so forth, that clearly limits the term "railroad" to the common carrier. And if we should also, later on, insert the words "as a common carrier," the question raised by the gentleman from Illinois [Mr. MANN] will, I think, be fully met.

Mr. FOSTER. If the gentleman will permit——

Mr. LENROOT. Yes——

Mr. FOSTER. Here is a railroad that, say, is 10 miles long, running into a coal mine, carrying out the coal of that mining company, and possibly there are other coal companies there that it may go by on its way to the mine that owns the railroad. Do not you think in that case that if they are denominated "common carriers" here they ought to carry the coal from those other mines? Otherwise they would shut them out. If they are a railroad company, they ought to be limited only to the carrying of their own coal and nothing more.

Mr. LENROOT. What is it that the gentleman suggests?

Mr. FOSTER. Whether they should be defined here as a "common carrier" or limited to carrying only their own coal, so that they could be made to do it?

Mr. LENROOT. If the gentleman could suggest any language that would limit it as he desires, I would be glad; but when you open the door once and say this shall not apply to common carriers, then you have exactly the situation that exists in Pennsylvania, and you open the door wide.

Mr. FOSTER. I think the language is all right.

Mr. NORTON. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. LENROOT. It seems to me that if there is any point raised by the gentleman from Illinois, that construction of it will hardly bear out his contention, because it can be fully cured by an amendment such as I have suggested.

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] moves to strike out the last two words.

Mr. BORLAND. Mr. Chairman, it does not seem to me that this amendment of the gentleman from Wyoming [Mr. MONDELL] is necessary at all. There are two kinds of tap lines, or two kinds of railroads that are ordinarily classed as tap lines. One is the tap line proper that is connected with a coal mine or a sawmill or a steel works or some other industrial enterprise. It is necessary for them either to reach their source of supply or to get their goods out to some trunk-line railroad.

Now, if it were a tap line, pure and simple, connected with a coal-mining company, it would not be a common carrier. The fact that the coal mine owned such a tap line would not militate, as I understand, against its right to take a lease. But if they had done what the gentleman from Wyoming says—that is, have organized a railroad under a separate corporate name and issued stock and bonds upon it and had undertaken to carry not only their own goods but the goods of other people, then they ought not to be engaged also in the mining of coal.

That is what this language undertakes to forbid. If they want to run a railroad, let them get out of the coal business. If they are running a coal mine with a tap line pure and simple connected with it, they are not forbidden by the language of this bill to do so. If you add any language to this bill at all, you will confuse that clear-cut difference between what is a *tap line and a common* carrier. If it is a separate corporation, then what the gentleman from Illinois has pointed out is exactly the case. Another coal mine on the line of that road ought to have the right to use it on equal terms, and it should not be allowed to engage in the mining of coal in competition with its customers.

That is the clear distinction. Here we get clearly the distinction between a tap line, properly so called, and a common carrier holding itself out to transport the goods of all concerned. If you add any language to this, you will confuse that issue.

Mr. LENROOT. Mr. Chairman, the gentleman from Illinois [Mr. MANN] makes the point that the word "railroad" would include a tap line, although it was not a common carrier.

Mr. BORLAND. I do not agree with him on that. I heard his argument on that point, but I do not think that is the case. There is a clear distinction between a company mining coal and a company running a railroad, and it says the railroad company shall not be engaged in mining coal.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 12 minutes——

Mr. MONDELL. I would like to have two minutes.

Mr. STAFFORD. I would like to have five minutes.

Mr. FERRIS. I ask unanimous consent that at the expiration of 12 minutes, 2 minutes of which shall be occupied by the gentleman from Wyoming [Mr. MONDELL] and 5 minutes by the gentleman from Wisconsin [Mr. STAFFORD] and the remainder to be used by the committee, the debate on this amendment shall close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 12 minutes the debate on this amendment shall close. Is there objection?

There was no objection.

Mr. STAFFORD rose.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, I quite agree with the point made by the gentleman from Illinois [Mr. MANN], that the existing phraseology might prevent a coal company proper from building a spur line to get the coal from its mine out to the main line of a railroad, and I think the amendment suggested by my colleague [Mr. LENROOT] would meet that condition.

But I rise more to make an inquiry of the gentleman from Oklahoma [Mr. FERRIS] on a kindred subject. This limitation in the proviso on page 3 restricts the railroads from obtaining any of these coal lands except in the limited quantities acquired by lease, but I do not find in the bill any limitation upon these railroads acquiring title to coal lands other than by lease; that is, by purchase.

Mr. FERRIS. Our thought was not to modify the old law one way or the other.

Mr. LENROOT. Under the general law railroads can not acquire it at all.

Mr. FERRIS. That is true, and we did not modify it.

Mr. STAFFORD. They can acquire it to a certain extent for their own use.

Mr. FERRIS. They buy it from the coal companies.

Mr. STAFFORD. I was thinking that perhaps it would be advisable to have phraseology similar to that which was incorporated in the Alaskan railroad bill, which specifically prevented their holding more than a limited amount of coal lands.

Mr. LEVY. Will my colleague allow me?

Mr. STAFFORD. I am very glad to yield to the gentleman.

Mr. LEVY. Would it not be cheaper and more beneficial to the people to allow the railroads to mine coal and to sell it direct?

Mr. STAFFORD. Oh, it is generally accepted that the policy of the country should be to separate the railroads as common carriers from any other activity. That has been the accepted policy of the Committee on Interstate and Foreign Commerce in this House, in all the legislation that it has reported, and the committee here is trying to carry out that idea.

Mr. LEVY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will say to the gentleman from New York that debate has been limited.

Mr. NORTON. I think the objection made to the phraseology of the last sentence on page 3 is well taken. The definition given of the word "railroad" or "common carrier" in that sentence is that it shall be, as used in this act, "any corporation or company owning or operating a railroad." That definition might include a small stub railroad operated by a coal company for private use, and if the coal company owned or operated under lease such a spur or stub railroad, the proviso in this section would bar the coal company from engaging in the sale of coal. I believe the amendment I suggested, after the word "operating," in line 23, to add the words "for public use," would be improved by the suggestion made by the gentleman from Wisconsin that after the word "railroad" the words "as a common carrier" should be added. That certainly defines the kind of a railroad intended and makes it clear that the inhibition shall not work where the railroad is operated by the coal company for private use. Mr. Chairman, I offer as a substitute for the amendment offered by the gentleman from Wyoming [Mr. MONDELL] the following: That after the word "railroad," in line 23, the words "as a common carrier" be added.

The CHAIRMAN. The gentleman from North Dakota [Mr. NORTON] offers an amendment to the amendment of the gentleman from Wyoming. The Clerk will report it.

The Clerk read as follows:

Page 3, line 23, after the word "railroad," insert the words "as a common carrier."

Mr. FERRIS. Mr. Chairman, I do not want to go beyond the time limited. I think under the arrangement the gentleman from Wyoming [Mr. MONDELL] was to have two minutes and I was to have three minutes, and if the gentleman will proceed I will wait.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I am not certain but that the substitute which has been offered would serve the purpose of the amendment which I have proposed. As I ran through the bill some time ago it occurred to me that as this proviso occurs in the bill there was some question as to whether it might not interfere with the building of tap lines. I certainly do not want to offer any amendment which would extend the rights or opportunities of railroads in the mining of coal. I would be inclined to strike out the provision that is already in the bill rather than do that. But clearly we must not prevent coal miners or mining companies building the necessary tap and branch lines for the carrying of their products.

Mr. STEPHENS of Texas. Will the gentleman point out anything in this section limiting the right of anyone?

Mr. MONDELL. It has been pointed out a half dozen times.

Mr. STEPHENS of Texas. There is nothing said about building railroads.

Mr. MONDELL. If the gentleman will be good enough to read lines 21 to 23, and particularly line 23, where the word "railroad" is used, he will find that the committee have defined what constitutes a railroad, and under that definition, unless it is modified as suggested by the gentleman from North Dakota,

any sort of road for the carrying of coal would be a railroad, and the owners or proprietors of a railroad can not secure a lease to mine coal except for railroad purposes. If a lessee were therefore to build a branch or tap railroad he might forfeit or limit his lease.

Mr. FERRIS. Mr. Chairman, I do not look with any hostility either on the amendment of the gentleman from Wyoming or of the gentleman from North Dakota; but, as the House well knows, we are trying to do two well-defined things, and do them as well as we can. First, we are trying to divorce transportation from production, and I think everybody agrees that that ought to be done. Second, we are trying to make every railroad out there hauling coal a common carrier, so that they will haul for Mr. A., Mr. B., and Mr. C. with equal facility and at equal rates. I think everybody will agree that those things are necessary. Now, this section was not thrown together quite as hurriedly as some gentlemen may think. One member of the committee took this down to the Department of Justice and went over it with them, and took it next to the Interstate Commerce Commission, and afterwards Secretary Lane gave his personal attention to it. While I do not want to go hurriedly by the suggestions of any gentleman here, I am afraid that if we add words of limitation, provisos, and what not, we may do something that we do not want to do; and without having any feeling about it one way or the other, I really hope the Committee of the Whole will leave the language intact. If it should develop that we were mistaken about it—which I do not think it will—we will have ample chance to catch it before we get through with this legislation, either in the Senate, in conference, or somewhere. As the House well knows, the gentleman from Illinois [Mr. MANN] is so careful in his scrutiny of all these things that if he had felt very keenly about this he would have offered an amendment himself. He did make a suggestion, but he did not offer an amendment and did not press his suggestion. So it seems to have been a passing fancy of his. This section has been gone over so much and worked out so carefully that I really hope the committee will keep it intact.

Mr. NORTON. What is the gentleman's interpretation of the word "railroad," in line 23? Is it his interpretation that, as it stands, it means a railroad used as a common carrier?

Mr. FERRIS. Our thought was that every railroad company that came under this law at all should be a common carrier; and we wanted to impose that provision so that they might not haul their own coal and oppress other people by claiming that it was a stub line or a tap line or a branch line, and that they hauled for no one but themselves.

Mr. BORLAND. I do not think the gentleman quite means that. If a coal company is a common carrier, then, under that proviso, it could not mine coal at all, except for its own use as a common carrier.

Mr. FERRIS. Precisely; and it should not do so.

Mr. BORLAND. The gentleman did not mean a coal company, he meant a railroad company. He said "coal company," but that was clearly a mistake.

Mr. FERRIS. I thank the gentleman for correcting me. That was a mistake.

Mr. NORTON. A great many of us are not of the opinion that all railroads are necessarily common carriers. A road may be a private railroad, as differentiated from a railroad that is a common carrier.

Mr. FERRIS. Does not the gentleman think that any railroad that hauls coal from Government-leased land ought to be a common carrier? Does not the gentleman think that, where the people have suffered as much as they have in the anthracite region, we ought to insist on every railroad being a common carrier?

Mr. NORTON. That would be an argument in favor of the qualifying words.

Mr. FERRIS. I can not follow that argument. Mr. Chairman, I will leave it to the House, and I ask for a vote.

The CHAIRMAN. The time of the gentleman has expired, and all time has expired. The question is on the substitute offered by the gentleman from North Dakota to the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 16 ayes and 23 noes.

So the substitute was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 15, after the numeral 3, insert:

"That the Secretary of the Interior is authorized to issue to any applicant authorized under this act an exclusive license to prospect and explore the coal lands or deposits of the United States subject to lease under this act. No such license shall pertain to an area of more than 3,200 acres or shall be issued for a longer period than two years. All licensees shall pay yearly in advance a license fee of 10 cents per acre for the first year and 25 cents per acre for the second year covered by the license."

Mr. MONDELL. Mr. Chairman, I intend to offer a substitute to this section modifying the plan of lease proposed. I do not expect, of course, that the committee will accept that substitute without further consideration than they can now give it, but I want it in the RECORD in the hope that elsewhere some such modification will be had. But whether or not we modify this plan of lease, it is absolutely essential that we shall make some provision in this law for preliminary prospecting. We have done that in the case of oil lands and in the case of other lands, and it is even more important in the case of coal than it is in the case of oil lands. I realize that it is a little bit difficult to ingraft on this section in its present form a provision for a preliminary exclusive prospecting permit, because the question would at once arise, If the prospector at the end of the period is to meet all comers in competition, what does he gain by his labor and his investment during the prospecting period?

I have had some experience, which I have referred to here in the matter of prospecting for coal. I went into a field many years ago where no coal was known to exist. I accidentally found a very small cropping, a vein not over 8 inches in thickness, of a coal that could not possibly be advantageously mined unless it were 4½ or 5 feet in thickness. It took two years and a half of the hardest kind of prospecting to develop that field. We drove over 200 test drifts from 10 to 300 feet before we finally located a body of coal large and good enough to pay to open a mine. But a great mine was eventually developed there, and it has been producing coal ever since. That was a somewhat unusual case. And yet conditions all over the public domain are such that you will scarcely find a case where a new operation will not require a preliminary period of prospecting. It is true that mines already located, knowing the thickness and quality and dip of their veins, can lease adjacent land without preliminary work.

The preliminary work has been done. Let us remember that this applies to millions of acres of land far away from present lines of communication, where there is no development and no one can open a mine in a region of that kind without a very good period of prospecting.

Let me give you the experience of one coal company. They went in and built a model coal camp; they expended half a million dollars. They did not take great care in the prospecting of their property, although they had an exposure along the entire face of the property. Within a year and a half that mine began to show signs of giving out; in three years it was practically worthless, and that great investment in the way of a mining camp, town, schools, churches, library, was practically worthless property. They had not prospected sufficiently. The vein thinned out at one point and its character changed at another, and the property was practically worthless.

A great deal of the coal land of the United States can only be reached by shafts. No one will lease coal lands and pay a fair leasing price unless they know how the coal lies, how thick and of what quality it is, whether it is specially or peculiarly distributed. Even though there be a cropping of the vein, there must be a careful prospecting of that cropping to ascertain whether or not the coal runs about the same in quality along the cropping, whether or not partings increase or decrease, whether the coal thins or thickens as it follows the cropping or extends under cover. All these things must be developed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

Mr. FERRIS. Mr. Chairman, I ask at the expiration of seven minutes that all debate on this amendment be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this amendment close in seven minutes. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Chairman, it may be that the committee will feel that inasmuch as a preliminary prospecting permit does not attach very well to a plan of competitive bidding, they can not accept my amendment; but nothing can be clearer to

those who are familiar with this situation, and it affects our whole western country, than that some provision must be made for an opportunity to prospect in advance of lease. We want to see development under the law, and therefore we want the law workable. I have thought that perhaps there is a line or two in the section giving special powers to the Secretary, under which the Secretary might himself work out a prospecting period, but he could not make it exclusive, I feel confident, without assuming authority which the bill does not justify.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BORLAND. Suppose the gentleman's amendment were adopted, what rights would the licensee acquire in case he discovered a vein of coal?

Mr. MONDELL. He would acquire none as the bill now stands. If the bill becomes a law, which I hope it never will, under this plan of competitive leasing, the preliminary prospecting would give no special advantage to any particular person. Nevertheless there remains the need of such a provision.

Mr. BORLAND. Is not the gentleman's plan at war with the whole idea of competitive leasing? Is not the gentleman starting on the idea of a preemptive right?

Mr. MONDELL. My own view is at war with this proposition of competitive leasing, because I do not think it will work; but there can be a preliminary prospecting period, as you have in this bill in the matter of oil, for instance, and still retain the provision with regard to competitive bidding. Of course, in that case the prospector would simply have to take his chances with others. But I will say to the gentleman, with some experience and some knowledge of the way coal has been developed in that western country in the past, that I am confident it will be practically impossible for anyone to start a new operation anywhere without an opportunity for preliminary prospecting. It is true anyone can go on the public domain anywhere now and prospect and dig and probably not be interfered with, but there is always a liability of interference if one digs to a considerable depth on a coal vein.

The difficulty with the whole plan of the bill is that it puts the whole question of royalties and question of rights up to auction. The result of that, in my opinion, will be that only very wealthy coal companies will be able to or will make leases under this law, where there is any competition whatever. The bill does not even give an opportunity for the bidder to increase the royalty, but is evidently based on the theory that he shall bid a bonus, and that the largest bonus shall take the lease If that means anything at all, it means that unless a man has more cash in hand at the time he makes his bid than anyone else, he can not hope to get a contract or a lease under this bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Is there anything in this bill that would prevent a man giving up his lease at the expiration of the lease term unless he found something of value, and would he not do that?

Mr. MONDELL. There is nothing to prevent a man giving up the land at the end of the lease term, but that question, if the gentleman from Texas will allow me to say it, without intending to reflect upon him, is ridiculous. The right to give up a lease does not help a man. Of course he could surrender it, but no one is so foolish as to do that sort of thing—to take a lease without knowing what he is getting. Before anyone will make a lease he must know the thickness of the vein, its quality, its dip, its location, and have some knowledge of where a mining plant can be advantageously established, and it is only through the possession of that knowledge that anyone can afford to bid or pay or promise to pay a good royalty. Otherwise they are taking a pig in a poke—a chance in the dark.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming seeks to inject into this section of the bill a long preliminary permit provision which has no place here. It would throw the bill all out of joint, would not be workable, would raise the area from 2,560 acres to 3,200 acres, and has no place in the bill at all. There are 53,000,000 acres of coal land withdrawn. Twenty million acres of that has been classified and offered for sale. So the areas of coal are known. It is not like oil and other unknown minerals. No preliminary permit is here necessary, and I hope that the amendment will not be adopted.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman understands that in making my permit area larger than the lease area, the idea is to give the lessee an opportunity to select within the permit area the smaller area that he would later lease.

Mr. FERRIS. Oh, I know; but the coal areas are all known. Such an amendment has no place here. It sounded like it consisted of an entire bill, which would not fit here at all. No one can, from the very nature of things, grasp such a long amendment. It was never presented to the committee; we would not know what we were adopting if we adopted it; it should not go in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. SELDOMRIDGE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of section 3, top of page 4, after the word "carrier," in line 2, add the following:

"*Provided further*, That upon relinquishment or surrender to the United States within six months from the date of this act by any locator of his or their claim to any unpatented coal lands included in an order of withdrawal upon which coal had been discovered the Secretary of the Interior may, in his discretion, grant, on such reasonable terms and conditions as he may prescribe, to such locator a preferred permit to occupy the said lands so relinquished and to extract the coal therefrom, not exceeding, however, the maximum area of 2,560 acres to any one person, association, or corporation, said permit to be conditioned upon the payment by the permittee of a royalty provided for by the terms of this act upon coal produced from said premises of each permit; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as he may deem necessary and proper for the purpose of carrying the terms of this proviso into full force and effect; and all permits or assignments thereof shall be subject to such rules and regulations, and the failure of any permittee or of his successors to comply with the terms and conditions of the permit shall work a forfeiture of the same, to be declared by a court of competent jurisdiction."

Mr. SELDOMRIDGE. Mr. Chairman, the purpose of this amendment is to give preferential leasing rights to certain individuals in the West who made coal entries during the years 1906 to 1910, inclusive, a period in which many withdrawals of coal lands were made and upon which many entries had been filed. In the State which I have in part the honor to represent I know that many of these entries were made and were suspended by the Interior Department on account of these withdrawals. It may be urged that such entries were made in full knowledge of the orders of withdrawal, but, Mr. Chairman, I believe that a large number of them were made in ignorance of the orders or else were made in the belief that they were not authorized by law, and that the administrative officer issuing said orders had exceeded his authority.

Mr. LENROOT. Will the gentleman yield?

Mr. SELDOMRIDGE. Presently I will. The land office today has upon its records a large number of these entries which are in a certain sense suspended and upon which no definite action has been taken. I believe, Mr. Chairman, under the law as we have it that these entries are not valid, and that these individuals who have expended labor and money in the prospecting and development of coal lands can not receive title. I do not think that, after having prospected the land, having given value to it, having attempted to develop coal mining, where they are willing to surrender to the Government whatever title they may believe themselves to be possessed of, the Secretary of the Interior, under certain rules and regulations which he may prescribe, may give to these individuals a preferential lease. In other words, that they should have a preferential right in the granting of a lease on the land upon which they have already filed. Now I will yield to the gentleman.

Mr. LENROOT. Were these entries made under the coal-land laws or provisions?

Mr. SELDOMRIDGE. I think that they were made in accordance with the laws of the United States, and that they would have been valid entries except for the withdrawal orders.

Mr. LENROOT. But does the gentleman think if an entry is made under the agricultural land laws on coal lands, that those men should have a preferential right?

Mr. SELDOMRIDGE. No, sir. I do not think any validity should be given to any entry made on agricultural land for the purpose of developing coal; but I think where they have been made under the coal-land laws that they should be recognized in this way.

Mr. LENROOT. If the entries were made under the coal-land laws, when the coal lands are classified they can secure their land by paying the price.

Mr. SELDOMRIDGE. They can secure title, but the price which has been fixed upon the land by the Department of the Interior is so high that it would not justify its purchase.

Mr. LENROOT. Does the gentleman think that that fact gives them an equitable right in the premises against other men——

Mr. SELDOMRIDGE. I think they have a right when they have demonstrated the existence of coal and have labored energetically and industrially in the development of the country to that extent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELDOMRIDGE. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to continue for three minutes. Is there objection?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of eight minutes all debate on this amendment shall conclude.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of eight minutes the debate on this amendment shall conclude, three minutes of that time to go to the gentleman from Colorado. Is there objection? [After a pause.] The Chair hears none.

Mr. SELDOMRIDGE. The chairman of the committee stated upon the floor to-day that there were some 53,000,000 acres of coal lands in the United States, of which 20,000,000 have been classified, leaving 33,000,000 acres unclassified. The department advises me that, up to June 30, 1907, according to the report of the Commissioner of the General Land Office, the law of 1873 had brought about the purchase of only 500,000 acres of coal lands. The Commissioner of the Land Office in the same report further states, as showing the futility of the law, that less than 500,000 acres of coal land had been patented under it. The patents issued under the present law from 1906 to 1913 number 1,104. In other words, the law of 1873, which we are now seeking to reenact, is not in its terms adapted to the development of coal mining in the United States. The provisions of the act are so burdensome that individuals and associations will not purchase coal land in any quantity. I think this conclusion is fully justified by the Land Office reports. I believe that the amendment which I have proposed is in line with equity and fairness and that individuals who have honestly and industriously attempted to develop the coal areas of the West should have some preference given to them in the granting of leases if they so desire. The amendment provides all proper safeguards and gives to the Secretary of the Interior full power to protect the rights of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to corroborate what my colleague, Mr. SELDOMRIDGE, says. There were a number of Colorado citizens who, in perfect good faith, located coal claims of 160 acres each under the law and under the rules of the department that gave them specific right to do so, and afterwards those rules were repudiated or withdrawn by the Department of the Interior, and those parties have never been able to obtain title. I introduced a bill for their relief authorizing them to perfect title to the land, and while I have never been able to get a favorable report from the department on the bill, the department was not in favor of letting them perfect their title to the land, nevertheless I see no reason why they should not be given the preferential right to lease that land. It seems to me that would be a fair and equitable proposition, and I think this amendment or something similar ought to be adopted to protect the equitable rights of a number of bona fide coal entrymen.

Mr. FERRIS. Mr. Chairman, I shall not try to debate the merits or demerits of the amendment proposed by the gentleman from Colorado. I do not know all it contains or all that it does not. The gentleman from Colorado [Mr. SELDOMRIDGE], I assume, is trying to render assistance and service in a situation to which he calls attention. However, his amendment is so long and the provisions of it are so long I doubt if the committee ought to accept it, and I doubt whether it ought to accept an amendment which goes so far. The gentleman has been conferring with the department about it, and, as I understand, they have not yet reached a conclusion sufficient to make a report on it.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. SELDOMRIDGE. Would the gentleman be willing to allow this amendment to remain pending for two or three days and then be taken up by unanimous consent later?

Mr. FERRIS. I hardly think that would be feasible. But at the end of the bill, under the five-minute rule, if the gentleman can get unanimous consent, he can ask to return to it in the bill. Otherwise, Mr. Chairman, we might open up a Pandora's box of twisted conditions that ought to be avoided. A measure similar to this was offered as an amendment to the Alaskan coal-leasing bill, and it was voted down unanimously. I take it that the gentleman's amendment is well intended; but in any event an amendment as important as this is and which seeks to operate as this does ought to be very carefully considered and should be considered in fact as an independent bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. FERRIS. Yes.

Mr. STEPHENS of Texas. I desire to call the attention of the gentleman from Colorado [Mr. SELDOMRIDGE] to the fact that the wording of section 2 of the bill, on line 6 of page 2, is:

> That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes, and acts amendatory thereof or supplemental thereto, or such lands or deposits may be leased, as hereinafter provided.

That seems to be exempted from the operation of this bill. Why is this language in the bill unless it covers such cases as the gentleman from Colorado refers to?

Mr. FERRIS. If the gentleman will pardon me, I would say that what the gentleman from Colorado [Mr. SELDOMRIDGE] desires to do is to relinquish lands under the old law and take up the same lands under the new law. There would be the questions whether they have made the required payments and have complied with the old law, and have exercised due diligence with reference to the mining of coal, and all those and other similar questions would come in to such an extent that I hope that the amendment will not be agreed to at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. SELDOMRIDGE].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I move to strike out all of section 3, after line 13.

Mr. FERRIS. Does the gentleman desire to be heard on that?

Mr. MONDELL. Very briefly.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the end of five minutes the debate on this amendment close.

The CHAIRMAN The gentleman from Oklahoma is not in order. The gentleman from Wyoming will again cite his amendment.

Mr. MONDELL. My amendment is to strike out all of section 3, page 3, after line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 3, on page 3, after line 13.

Mr. MONDELL. Mr. Chairman, the bill, as it is reported, prohibits railroad companies from securing leases except for the purpose of mining coal for their own use. My amendment would make the prohibition absolute and would prevent a railroad company from securing a coal lease.

I realize that there are some arguments in favor of allowing railroad companies to mine coal for their own use. I doubt, however, whether in many instances railroad companies could afford to lease these coal lands and mine coal solely for their own use. What I would expect if this bill becomes a law in this form is that after the leases were made that Congress would pass a law relieving the railroad companies from this limitation of use. Then we shall have a condition that will not be satisfactory.

There is not any great necessity for a railroad company to operate a coal mine even for its own use any more than to go into other lines of business to supply itself with material. We have in the commodity clause of the Hepburn Act a prohibition against railroad companies carrying commodities which they produce or manufacture. I believe that provision has been somewhat modified by a Supreme Court decision, has it not? I will ask my friend from Wisconsin.

Mr. LENROOT. They are permitted to carry their own products.

Mr. MONDELL. I understand. Our experience in this country in connection with the ownership of coal mines by railroad companies has not been altogether a happy one. I do not believe that in the main it has been in the interest of the carriers themselves. I know of no reason why a railroad can not buy its coal as it buys its ties and rails and other materials; and I believe, while no harm, perhaps, would come from the provision contained in the bill, if that provision is always to be strictly enforced and interpreted there is great danger that after you open the doors, after you have given the opportunity to lease, it will be made so clear and manifest to every reasoning and reasonable man that it is practically impossible to operate a coal mine or most coal mines for the purpose of supplying coal for one particular use that some Congress, anxious to do justice, not realizing the injurious effect, would finally wipe out

this limitation, this restriction, and that eventually we shall go back to the system we have been trying to get away from, where railroads compete with private parties in the production of commodities.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. TALCOTT of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York [Mr. TALCOTT] moves to strike out the last word.

Mr. TALCOTT of New York. On line 20, of page 3, is the expression "200 miles of its line in actual operation." Does that refer to a single-track line or a double-track line, or are they all put on the same basis?

Mr. FERRIS. I think they are. It means linear miles.

Mr. TALCOTT of New York. Does it place a road of one track on the same basis as a road of two or three or four tracks?

Mr. FERRIS. My answer was only a hasty answer.

Mr. TALCOTT of New York. It seems to me that it would be unfair to impose the same limitation on a double-track road that you would impose on a single-track road. The necessity for coal would be greater on the former than on the latter.

Mr. FERRIS. It was thought that they should have the right to have only one mine on 200 miles of line, and one mine only. If you gave them more than that they would dabble into every other field and become competitors with other concerns, and it was a question as to whether or not they should have even this much. The committee did all for them that the department would agree to.

Mr. TALCOTT of New York. This relates to cheapness of transportation, not for this year alone, or for the next 10 years, but for a long time to come. Here is an opportunity to provide an inexhaustible supply of fuel for transportation purposes on terms that will protect the interests of the public.

Mr. FERRIS. I will say to the gentleman from New York that if there is anything burdensome about it, the railroads will make their wants known. I think we have done all we can for them.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. FERRIS. How much time does the gentleman desire?

Mr. JOHNSON of Washington. Five minutes.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, to close debate on this section and amendments thereto in five minutes.

Mr. MONDELL. I hope the gentleman will modify that. I want some time.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that all debate on this section and amendments thereto close in five minutes. Is there objection?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to modify the request, so that debate shall close at the end of 10 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending amendment be closed in 10 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. My good friend the gentleman from Illinois [Mr. THOMSON] insists that my colleague [Mr. HUMPHREY] and myself must learn some new history concerning the discovery and occupation of the Oregon country, comprising in these days the States of Washington, Idaho, and Oregon. The gentleman from Illinois proclaims that the far Northwest, beyond the Rocky Mountains and north of California, was a part of the Louisiana Purchase. He admits, however, that such a claim was based on a treaty of ambiguous construction.

To sustain his contention that our great Oregon country was bought and paid for the gentleman from Illinois [Mr. THOMSON] read from the Public Domain, a Government document written in 1880 and published in 1884 by Thomas Donaldson, the then authority on the public lands.

In that bulky volume Mr. Donaldson devoted a few lines to the Oregon country, in which he stated that all of the Northwest came into the Union under the purchase of Louisiana by Jefferson for $15,000,000.

Now, then, Mr. Chairman, in that same volume, written nearly 35 years ago, Mr. Donaldson, who in 10 lines settled the history of the Northwest, made a remarkable prophecy. After stating that the immigration of 1879 and 1880 was more than 450,000 persons, he solemnly declared:

> The quantity of land taken in the arable region in the year ending June 30, 1880, was about 7,000,000 acres. At the same rate of absorption the arable land so situated in the United States will all be taken within five years, or by June, 1885.

Thirty-four years have gone by, immigration has increased to more than a million a year, the Government has locked up half of its best remaining lands, and still we find the House this afternoon in Committee of the Whole House, with about 30 Members present, wrestling with the intricate problems propounded in the third of the so-called leasing bills, by which it is proposed to turn our Western States into provinces; that is, great areas—nearly half a State in several cases—may never come under control of a governor and a legislature, but shall go on and on, from one 50-year period of Federal leasing to another 50-year period, and always under the control of some Federal bureau.

But that is another story. Mr. Donaldson was neither a historian nor a prophet. His statement that the arable public land would be all gone by June, 1885, stamps him as the first of the "dream book" authors who have written so much of misstatement and misinformation concerning the West. In view of his very bad prophecy, I can not give much credence to his statement that the United States purchased Washington and Oregon as a part of the Louisiana Territory. No historian supports that statement. I can find no school history or any other history which sustains that theory in full.

Mr. Chairman, inasmuch as it took Great Britain and the United States 50 years to settle the Oregon dispute, I doubt if the gentleman from Illinois and myself can come to an agreement in the few minutes time granted to us. Therefore I shall, under permission granted, extend my remarks by quoting from the opening chapter of The History of Washington, by Clinton A. Snowden, of Tacoma, which deals most interestingly with the rise and progress of a great American State.

Mr. Chairman, the history of Washington is a part of and essentially the same as the history of Oregon during its earlier years. Mr. Snowden says:

> "THE OREGON COUNTRY.
>
> "The Washington of to-day was originally a part of that vaster Oregon which extended from California, then a part of Mexico, on the south, to an undefined boundary—by many claimed to be the line of 54° 40′ north, or the southern boundary of Alaska, but finally fixed by the treaty of 1846 at the forty-ninth parallel—and from the Pacific Ocean to the summit of the Rocky Mountains. Until California was acquired, at the close of the Mexican War in 1848, Oregon was the only Territory owned or claimed by the United States bordering on the Pacific, and its possession has made desirable, if indeed it has not made necessary, the possession of all that has since been acquired there, including Alaska and the Hawaiian Islands.
>
> "The value of this vast region was for many years but lightly regarded either by our Government or its people. It was the first Territory to be acquired by a new government not yet ambitious to become a world power nor anticipating the vast destiny which was, within a hundred years, to give it a preponderating influence in the affairs of mankind. * * *
>
> "For many years the Rocky Mountains were regarded as our Nation's natural western boundary. Few even among those who most staunchly and persistently defended our title to the Columbia River Country, as it was called for many years after Gray's discovery, did so in the expectation that it would ever become a part of the United States. Their utmost hope was that it would be inhabited by a kindred people, with institutions and a government similar to our own. This was the whole expectation and hope of Jefferson, of Jackson, and for many years of Benton, and many others, in regard to it.
>
> "DISCOVERY, EXPLORATION, AND SETTLEMENT.
>
> "It is the only territory the United States has ever acquired by discovery, exploration, and settlement; the only territory that cost us nothing in cash by way of purchase or by the use of military or naval force. It was in the diplomatic correspondence in regard to it that what we now know as the Monroe doctrine was first declared by John Quincy Adams, who was then Secretary of State in Mr. Monroe's Cabinet.
>
> "This territory was temporarily lost to the United States during the War of 1812, but England was compelled to restore it in 1818, agreeable to the provisions of the treaty of Ghent. We then permitted a British monopoly to occupy and control it for a period of more than 20 years, during which our ships were practically driven from its waters and our traders were unable to do business within its borders, although guaranteed equal privileges in it with the subjects of Great Britain, by the faith of both nations solemnly pledged. The only law enforced or respected in it was British law, and the only constituted authorities were British authorities.

"A condition so anomalous probably never before prevailed for so long a time in any country in the world, and it might have much longer continued but for the courage, the patriotism, and the moderation of the early pioneers, who heroically forced their way through 2,000 miles of wilderness, inhabited only by savages and wild beasts, founded a government of their own, and completed the national title to the country by a claim that could no longer be disputed or resisted.

DESTINED TO DENSE POPULATION.

"The magnificent empire, whose early history was so varied and interesting, originally comprised all that is now included within the boundaries of Oregon, Washington, and Idaho, and a considerable part of Montana and Wyoming. Its area, according to the limits finally fixed by the treaty of 1846, was something more than 288,000 square miles. It was larger than Texas and more than four times larger than the six New England States, which now support a population of more than five and one-half millions.

"It is possibly capable of supporting a population as dense as that of the German Empire, which now amounts to more than 60,000,000 people. It is altogether within the bounds of expectation that it will at no very distant day be one of the most densely populated parts of the United States. Its maritime and manufacturing possibilities are very great, and while there is some waste land along the tops of its mountain ranges and a few strips here and there of sandy deserts, its fertile valleys and great interior plains of volcanic ash and rich alluvial deposits are especially adapted to a high state of cultivation and will in the near future give support and profitable employment to a vast army of people."

FAMOUS PIONEERS.

Mr. Chairman, I wish that I felt at liberty to quote further from this most excellent history of the Evergreen State. I would like, also, to quote from Prof. Edward S. Meany's history and tell you of Capt. Robert Gray's discovery in 1792 of the Columbia River and of Grays Harbor, my home.

I would like to tell the story of John Jacob Astor, of Capt. B. L. E. Bonneville, of Dr. John McLoughlin and the Hudson Bay Co. on the Columbia, of Dr. Marcus Whitman's ride, of Gov. Isaac I. Stevens, and of all the others who contributed to make the "discovery, exploration, and settlement" of that country stand out strong in the history of the United States.

"FIFTY-FOUR-FORTY OR FIGHT."

The story of "Fifty-four-forty or fight," too, is most interesting. The Americans and British had been living in the country under a joint occupancy. President Polk, on April 28, 1846, gave notice to Great Britain that the United States would abrogate the joint occupancy treaty at the end of one year. A new treaty was proposed, and President Polk sought the advice of the Senate. This caused Daniel Webster, at a banquet given in his honor in Philadelphia on December 2, 1846, to declare sarcastically:

Now, gentlemen, the remarkable characteristic of the settlement of this Oregon question is this: In the general operation of government treaties are negotiated by the President and ratified by the Senate; but here is the reverse; here is a treaty negotiated by the Senate and ratified by the President.

DEBATE AND DIPLOMACY.

Concerning this treaty Prof. Edward S. Meany, in his "History of Washington," says, in a paragraph which I call to the attention of those who think we bought the Oregon country:

The battle of debate and diplomacy was ended. American sovereignty in Oregon was actually established. If we accept the dictum of the civilized world that sovereignty over a new land may be acquired by the three fundamentals of discovery, exploration, and occupation, the magnitude of the triumph of 1846 will at once become apparent. Narrowing the contest down to that between the United States and Great Britain, it is seen that the first claims of the United States were based on the discoveries of Gray in 1792, the explorations by Lewis and Clark in 1803–1806, the occupation of Astoria in 1811. The British had discoveries by Cook in 1778, Vancouver in 1792, and many others more than the Americans, explorations by Mackenzie in 1793, occupations below 54° from 1806 on. When the presidential campaign of 1844 was fought the treaty of joint occupancy was still in force, the Americans had no settlement north of the Columbia River, while the British had many. In all fairness it must be admitted that the British had a clear advantage north of the Columbia River, and even some claims south of the river under the treaty in force. That is why the treaty of 1846 was a diplomatic triumph. Viewed historically, the cry of "Fifty-four-forty or fight!" must be acknowledged a piece of pure Yankee bluster.

ODD BITS OF EARLY HISTORY.

Mr. Chairman, it would be a great pleasure to run over the early history of settlement in the Northwest. Every American who lived in that country from 1803 down to the making of the new treaty was named by the Indians "Boston man," and every Britisher was called a "King George man." I would like to recite how our Puget Sound Indians were given Chinook jargon, and how their children received their names. It might surprise you to learn that "Jeff Davis" and "Abe Lincoln" are still living out there, side by side. I received a petition not long ago signed by both of them. A character made famous by that delightful descriptive writer, Theodore Winthrop, and recently revived, republished, and illustrated by our new historical writer, John H. Williams, also of Tacoma, was the "Duke of York," who died not so long ago. Williams's edition of Winthrop's "Canoe and Saddle," "Meany's History," and "Snowden's History" must be read by all who would know the history of Washington, while, if one would go into the storied history of the whole Oregon country, the works of Mrs. Dye will be found both entertaining and valuable. The bibliography of that new country is quite extensive, and not a line of it is monotonous.

No, Mr. Chairman; the Oregon country was not purchased by the United States. Jefferson himself once thought a new nation would be made out there beyond the mountains. If there is any shadowy thought of purchase, it must have been when an old Indian chief on April 22, 1789, insisted on trading with Capt. Gray, the "skookum Boston-man," $8,000 worth of otter furs for an old iron chisel. The Indian did not want to cheat the Yankee, and may have thrown Washington, Oregon, and Idaho in with the furs. At any rate, Capt. Gray ran up the Stars and Stripes, which was 14 years before Jefferson sent Madison to Paris to negotiate with Napoleon for the purchase of an island in the mouth of the Mississippi, and which resulted in the purchase of the Louisiana Territory.

Jefferson did not obtain the States of Washington, Oregon, and Idaho in the $15,000,000 buy that Madison made. The treaty was so shadowy and ambiguous that without Capt. Gray's claim of discovery the United States would never have thought of putting forth the contention that the purchased territory went beyond the Rocky Mountains.

Lewis and Clark, when they crossed the Rocky Mountains, entered into a country where our flag was already flying and a country which had already been claimed by right of discovery, exploration, and settlement, which the British finally agreed to when they gave up their Hudson Bay Co.'s trading posts at Vancouver, Nisqually, Cowlitz Prairie, and other points in the district which I have the honor to represent.

Mr. Chairman, nothing would please me more than to see in Statuary Hall, as the gift of the State of Washington, a statue of that daring explorer, historian, and trader, Capt. Robert Gray, who made possible the retention by the United States of all that wonderful country out there in the Northwest—the most wonderful, the most picturesque, the most resourceful, and the most charming of all the vast domain of the United States of America.

Mr. THOMSON of Illinois. Mr. Chairman, I assume that my friend from Washington does not mean to infer, from the fact that Mr. Donaldson's predictions as to the future have not proven entirely accurate, that his statements as to the history of the past were not accurate. I have no doubt that Mr. Donaldson, who compiled this volume of data, and others of his day had certain ideas about the future of the public lands, how long they would last, and so on, which, as time has come and gone, have proven not to be accurate. But I was not using this authority to substantiate any predictions he might have made at that time as to the then future, but merely on the question of past history, involving the title of the United States to the so-called Oregon Territory, and I am glad to know that even my friend from Washington does not dispute that part of this authority. My statement in the general debate on this bill was simply to the effect that that part of the country, together with all the rest of the country west of the Mississippi, came to the United States through purchase. That statement was questioned, and it was alleged that it came to us, so far as the Oregon Territory was concerned, by right of discovery. I think I have shown by this authority that the territory now covered by the States of Washington and Oregon was a part of the Louisiana Purchase. True, Great Britain made some claim to the then Oregon Territory after that purchase, and in the treaty of 1846 the title to that region was confirmed in the United States; but that treaty was consummated as the result of the contention and claim of the United States that it had title to that land by virtue of the Louisiana Purchase.

Mr. MONDELL. Will the gentleman yield?

Mr. THOMSON of Illinois. Yes.

Mr. MONDELL. Has the gentleman seen an official United States Land Office map recently?

Mr. THOMSON of Illinois. Yes.

Mr. MONDELL. Showing the classifications?

Mr. THOMSON of Illinois. Yes; and that map is not contrary to my contention. That map shows that the uncertain-

ties about the title to the Oregon Territory were finally settled by the treaty of 1846, but that treaty does not indicate that the title originated through it. The title to the Oregon Territory was confirmed in the United States by that treaty. The treaty confirmed the claim of the United States that it had title to that land by virtue of the Louisiana Purchase, and I challenge anybody to find any statement by any authority on history to the contrary. I have found statements by authorities, among them Donaldson, who confirm that proposition.

Mr. FERRIS. Mr. Chairman, let us have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment in lieu of section 3.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 3 and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the exclusive right to prospect and explore for coal on the vacant public lands and on the forest reserves of the United States and on lands located, selected, entered, purchased, or patented with a reservation to the United States of the coal contained therein, and to execute leases authorizing the lessee to mine and remove coal from such lands. No license shall pertain to an area of more than 3,200 acres, and no lease shall pertain to an area of more than 2,560 acres, and all such areas shall be in reasonably compact form and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting permit shall be issued for a longer period than two years. All licensees shall pay yearly in advance a fee or rental of 10 cents per acre for the first year covered by their license and 25 cents per acre for the second year. Lessees shall pay in advance a rental of 25 cents per acre for the first calendar year or fraction thereof, 50 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty on each ton of 2,000 pounds of coal mined, as follows: For the first 10 years of the lease, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years upon such conditions and the payment of such rents and royalties as Congress may prescribe.

"That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or a lease to mine, coal on the lands herein described, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein."

Mr. MONDELL. Mr. Chairman, the amendment which I have offered proposes a leasing system quite different from that provided in the section and, in my opinion, a leasing system which will work very much better, and which in the long run will be very much more in the public interest. The section we have just been considering assumes that there shall be a great force organized in the Interior Department, whose duty it shall be to go out on the public domain and prospect and divide up all of these vast areas, extending miles and miles, in some places 100 miles without a break, and divide them up into leasing blocks, guessing how much some one may want to lease, guessing how much coal there may be under the land, and guessing what the royalty ought to be. After this has been done, and this long, expensive process has gone on for a time, applications may be made to lease, not the area which an intelligent lessee or operator may think he could advantageously work, but such a tract as one of these Federal agents may have blocked out. Bids are to be had. There is to be a minimum fixed by the Secretary, above the sum named as the minimum in the bill, provided the Secretary sees fit to do so. Unlike the Alaskan bill on that particular point, the bill evidently does not contemplate that the bidders shall bid a higher royalty than that fixed by the Secretary, for if you will turn to section 7 you will find that the royalty which is to be named in the lease is to be the royalty fixed by the Secretary; so that it is not contemplated, as I supposed it was in the Alaskan bill, that the bidders shall bid against each other on the basis of royalty. That being the case, I assume that it is intended—and in fact I can not understand how anything else can be intended—that bidders shall offer a bonus for the privilege of leasing. I understand that is what is done in Oklahoma, where this plan has been used somewhat and where it originated and whence it came into this bill.

The system of laying a heavy burden on the Federal Government to search out and develop coal areas, which the individual ought to do, this proposition of calling for bids for bonuses—all these things, in my opinion, would make the law unworkable, or at least unsatisfactory, and I doubt if many leases would be secured under it; and if they were, it seems to me that they would necessarily go only to people having large sums of ready cash. They will entirely exclude that class of people that we have hoped to give opportunity to through the leasing privilege—the man who has not a great sum to tie up in a land investment.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes all debate on this section and amendments thereto be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the end of five minutes all debate on the section and amendments thereto be closed. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Chairman, one of the arguments for leasing legislation, one of the advantages of leasing legislation, is that it does not require so large an investment as does the purchase of land at a high price. Since our lands have been classified at very high prices, it has become practically impossible for anyone except wealthy corporations to open new mines on the public domain, and few or none have been opened since the classification, as far as I know.

Now, if that opportunity and benefit which it was expected leasing would give to a man of somewhat limited means are to be taken from him through the medium of bonuses, the leasing system has no advantage in that respect over the system of sale.

My amendment proposes to provide for a prospecting lease, extending not over two years, during which period the lessee pays for the exclusive privilege of prospecting, for the privilege of retaining the land from entry and lease. At the end of that time he has a right to lease on a royalty fixed by the Secretary of the Interior within certain limits of maximum and minimum royalties, a maximum and minimum for the first 10 years, a somewhat higher one for two succeeding 10-year periods, and then a provision for preference right for 20 years on such terms as Congress may provide. That is the leasing system as it is in operation in New Zealand and other parts of the world, as I understand it. It is simple, and it makes it clear what the applicant may expect.

We must leave some discretion with the Secretary of the Interior, but I do not think we ought to leave him the wide discretion that is left by this bill. There is no maximum; he can put the royalty so high that no one can afford to bid. The minimum is too low, lower than in other bills that have been introduced, lower than in the amendment I have offered. There is an opportunity for favoritism. I do not say that there will be favoritism, but there is a possibility of it. Then you have this system of bidding, under which the lease goes to the man with the largest amount of ready money, and we are getting right back to the conditions that we were trying to get away from, to the condition where the longest pole gets the persimmon and the biggest bank roll gets the lease. The man that is an operator and knows how to mine coal, but has not a large amount of money to put up as a bonus, has no chance against the rich capitalist.

I do not think it is a good system. It will not work, in my opinion. There must be, in the first place, a permit for a prospecting period, and after that is over you must give to the Secretary of the Interior some discretion as to the amount of the royalty. Both sections do that—my amendment and in the bill as it now stands. The difference is that there is no bidding for bonuses in my amendment, and there is a chance for all comers, under the conditions specified, to secure an opportunity to obtain a lease. I think when this bill becomes a law it will become a law under some such plan as that, and I offer this amendment, realizing that the committee will not now adopt it, but confident that it contains the general plan on which these lands will be eventually leased.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. DONOVAN) there were—ayes 2, noes 12.

So the amendment was rejected.

Mr. MADDEN. Mr. Chairman, it seems to me that 14 Members are not enough——

The CHAIRMAN. Debate is not in order.

Mr. MADDEN. I make the point of order that no quorum is present. Only 14 Members voted on this amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum, and the Chair will count. [After counting.] Fifty-four Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Finley	Kitchin	Pou
Austin	Gard	Knowland, J. R.	Powers
Bartholdt	Gardner	Korbly	Prouty
Bartlett	George	Kreider	Rauch
Bathrick	Gill	Lafferty	Rucker
Booher	Gillett	Lee, Ga.	Sabath
Brown, N. Y.	Gittins	L'Engle	Scully
Browne, Wis.	Godwin, N. C.	Lever	Sells
Browning	Goeke	Lewis, Pa.	Slemp
Brumbaugh	Goldfogle	Lindquist	Smith, Md.
Burke, Pa.	Graham, Pa.	Loft	Smith, Saml. W.
Calder	Griest	McClellan	Smith, N. Y.
Campbell	Guernsey	McGillicuddy	Sparkman
Candler, Miss.	Hamill	McGuire, Okla.	Stanley
Cantor	Hamilton, N. Y.	McLaughlin	Steenerson
Cantrill	Harris	Mahan	Stout
Carlin	Hay	Maher	Stringer
Carter	Hayden	Manahan	Sutherland
Cary	Helgesen	Martin	Talbott, Md.
Collier	Hensley	Merritt	Tavenner
Connelly, Kans.	Hinds	Miller	Thacher
Connolly, Iowa	Hobson	Morin	Treadway
Conry	Howard	Moss, W. Va.	Vollmer
Covington	Hoxworth	Murdock	Walker
Crisp	Hulings	Neely, W. Va.	Wallin
Danforth	Humphreys, Miss.	Nelson	Walsh
Driscoll	Johnson, S. C.	O'Shaunessy	Watkins
Drukker	Jones	Palmer	Webb
Dunn	Kelley, Mich.	Parker	Whitacre
Edmonds	Kent	Patten, N. Y.	White
Elder	Key, Ohio	Payne	Wilson, N. Y.
Fairchild	Kiess, Pa.	Peters	Winslow
Faison	Kindel	Peterson	Woodruff
Fergusson	Kinkead, N. J.	Porter	Woods

The committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and, finding itself without a quorum, he had directed the roll to be called; that 296 Members had answered to their names—a quorum; and he handed in a list of the absentees.

The committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That any person, association, or corporation holding a lease of coal lands or coal deposits under this act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure a modification of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate 2,560 acres.

That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the original lease, shall not exceed 2,560 acres, through the same procedure and under the same conditions as in case of an original lease.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. A moment ago a kind friend on the other side asked for a division on an amendment which I had offered. Whether it was for the purpose of indicating how few there were here or how few voted for my amendment, I do not know. I assume it was for the purpose of disclosing the fact that there were not a great many who voted for the amendment. The gentleman who did that must have a curious idea of the motives that prompt one here in connection with their legislative duties. It is not material to me whether anyone votes for an amendment which I offer or not. If I think the amendment should be adopted, I shall offer it, and I shall defend it, and I shall not be disturbed because a great number of people do not vote for it, nor do I intend to be disturbed or disuaded by reason of the fact that an amendment I may offer is not adopted, because I realize that most of the amendments which I have offered and most of the changes I have suggested will eventually be a part of the bill when it becomes a law. Therefore I am entirely content. I realize that quite a number of western Members are so disgusted and out of sympathy with the provisions of the bill and so satisfied of the impossibility of amending it in any important respect that they pay little attention to the discussion and do not vote on amendments. I feel it my duty to discuss the bill and point out its defects as I see them, even though no very important amendment I offer is adopted. I am quite content to do my duty and leave the outcome with Providence—and the Senate.

But I rose, Mr. Chairman, for the purpose of calling the attention of the gentleman from Oklahoma [Mr. FERRIS] to some language in the bill. On line 19, page 4, the expression "coal area" is used. I assume it is intended to designate the coal area unworked or the coal area that has not been worked out. I do not intend to offer an amendment, although I think the language is not entirely clear and there might be some question as to what was meant. The intent of the committee is plain enough to me, but I do not believe the language used fully indicates the intent of the committee.

Mr. FERRIS. Mr. Chairman, I think the gentleman is right about that. Does the gentleman not think that the word "unmined" inserted before that phrase would remedy it?

Mr. MONDELL. I think that would be the word to use—"including the unmined coal area," and so forth.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. If there is a tract of 640 acres and all of it is mined except 100 acres and it was coal, that would be the coal area. It is just the use of words.

Mr. MONDELL. I am not insisting on it, although I do not think the words "coal area" are ordinarily interpreted to mean coal land that has not been worked out. If it is interpreted to mean that, well and good.

Mr. RAKER. Well, I am satisfied the department, after the gentleman's statement and mine that it does mean that, would have no trouble in its interpretation.

Mr. MONDELL. Now, let me call attention to another matter. The last two lines are to this effect: "Through the same procedure and under the same conditions as in case of an original lease." That refers to the additional area leased. I think the gentleman from Oklahoma will realize that it would hardly be possible to lease this additional area under exactly the same conditions that the original area was leased. It seems to me that before we get through with the bill it might be well to consider some modification of that language. I doubt if you could work out the intent of the committee under the language which you have used.

Mr. GRAHAM of Illinois. Would the gentleman substitute "similar" for the same?

Mr. MONDELL. Well, yes; or approximately similar. I have not thought enough about it to suggest the language, but it seems to me it would be necessary. The gentleman realizes you could not use exactly the same procedure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate at the end of five minutes, the five minutes to be yielded to the gentleman from Wisconsin.

The CHAIRMAN. This is an amendment to strike out the last word. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, I rise to inquire of the Chairman whether the committee has given consideration as to the three-year period when coal might be exhausted. It struck me on reading the bill that where the coal mining company finds it is coming to a shortness of supply which will be exhausted in three years, that in order to retain their customers it ought to have a longer period to get an additional quantity of land than three years. In private business—for instance, in leasing quarters—business concerns look around for new quarters much in advance of three years in order to be prepared in case of emergency. It is more needful in the case of a coal mining company which has a large number of customers, where it would be necessary for them to have a certain supply of coal with which to supply them.

Mr. FERRIS. Will the gentleman yield at that point?

Mr. STAFFORD. I will.

Mr. FERRIS. As the bill was originally drafted, pursuant to a conference between Senators, House Members, and the Interior Department, I think we had the time fixed at one year, and the Bureau of Mines made this very suggestion or amendment. I have a letter here in which they say they think this is sufficient, and that this is as it should be. If the gentleman cares for me to do so, I can present it.

Mr. STAFFORD. The gentleman realizes it is purely a business proposition. Here is a coal-mining company engaged in mining coal on a limited tract. The coal is about to be exhausted. They see it will be exhausted in three years or say that the coal in the land will be exhausted in five years, they ought to be put in condition in advance to get additional land so as to be certain to keep their trade and supply their customers with coal. I merely make this suggestion for the gen-

tleman's consideration that the limit of three years is too limited a period for any business concern.

There is another inquiry I would like to make, and that is as to the first paragraph. There the gentleman permits a modification of the lease by granting to the Secretary of the Interior the right to include additional lands wherever he sees it is to the advantage of the Government and the lessee. There is no provision in this section as to terms on which that modified lease is granted. Perhaps the provision in section 7 might extend; but so far as the paragraph itself is concerned it does not state upon what terms a new lease or a modified lease should be made.

Mr. FERRIS. Does the gentleman yield?

Mr. STAFFORD. I do.

Mr. FERRIS. I call the gentleman's attention to the fact that later in the act there is a general section which authorizes the Secretary of the Interior to incorporate in the lease any regulation or provision that seems to him necessary to vitalize the different sections of the bill.

Mr. STAFFORD. I have read section 8, which the gentleman refers to, but I do not think that it gave authority to cover this exact instance.

Mr. FERRIS. There is another section later on, under a general provision.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to his colleague?

Mr. STAFFORD. I do.

Mr. LENROOT. I suggest to the gentleman that the only modification authorized goes to the area, and the lease would apply to the enlarged area.

Mr. STAFFORD. Of course that is implied; and that is, supposing that the original lease continues. It is for additional land, and it would be a modification of the lease, and that is upon the assumption that the same terms, even though there might be a higher quality of coal, would apply. I think it would be better to leave it to the judgment of the Secretary of the Interior as to the terms and conditions.

Mr. FERRIS. If the gentleman will yield, I wish to say that additional areas can only be taken with the consent of the Secretary of the Interior, so that the Secretary has the right to prevent them from taking any additional area if he so desires.

Mr. STAFFORD. But suppose it is to the advantage of the Government and of the lessee to take additional land. Assume this additional land has a better quality of coal. Under those circumstances why should not the Secretary be allowed to exact a higher rate of payment? I say it should rest in the discretion of the Secretary to fix the terms.

Mr. FERRIS. Why, it is in the discretion of the Secretary to determine whether or not he would have any additional territory at all.

Mr. STAFFORD. You do not make any provision at all as to the terms on which this additional land should be leased.

Mr. FERRIS. The regulations would determine that.

Mr. STAFFORD. Oh, the gentleman falls back on his omnibus clause of regulation. I do not think it applies.

Mr. FERRIS. I will read to the gentleman what the Bureau of Mines says about it. The Director of the Bureau of Mines has the following to say on the subject mentioned by the gentleman:

> It is impossible for fraud to be perpetrated upon the United States under this section for the reason that a modification of the original lease can only be secured with the approval of the Secretary, and after a positive finding that it will be for the actual advantage of the lessor and lessee to include additional lands. The maximum area in the modified lease is fixed at 2,560 acres, which is only the amount which might originally have been had. The provision, instead of promoting fraud, is really in the interests of the United States, since it will make possible the mining of small blocks of coal land which could only be mined in conjunction with already developed properties because of the small tonnage and the expense involved in extraction in any other manner.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield there?

Mr. FERRIS. Yes.

Mr. STAFFORD. I am not questioning that phase of it, that there would be fraud in extending the contracts, but I want to find out upon what terms the additional tracts could be let.

Mr. FERRIS. The Secretary can refuse to let him have them on any terms at all.

Mr. STAFFORD. My colleague says it would be let on the original terms, and you say it would be let on any terms the Secretary might see fit.

Mr. FERRIS. Allow me to conclude. What the gentleman says refers to the other section.

Mr. STAFFORD. The second paragraph provides for another case upon new terms entirely.

Mr. FERRIS. Let me read. The Director of the Bureau of Mines says further:

> Without such provision the Government would be absolutely unable to secure the mining of detached pieces of coal lands, as the existence of one lease would be a bar to any further lease. In the opinion of the bureau, this is one of the most valuable provisions in this bill and should be retained by all means.

They even draw a plat here which shows how necessary it is to have this provision in the bill.

Mr. STAFFORD. There is no question but that it should be on such terms as the Secretary shall determine.

Mr. FERRIS. The general provision takes care of that.

Mr. STAFFORD. That is where we differ.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 5. That if, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease blocks or areas not exceeding the maximum permitted under this act may consolidate their leases or holdings through the surrender of the original leases or holdings and the inclusion of such areas in a new lease of not to exceed 2,560 acres of continguous lands.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, I am in sympathy with the view taken by the gentleman from Wisconsin [Mr. STAFFORD] with regard to section 4, and the same criticism applies to section 5. I have not offered any amendments and do not propose to offer any amendments to these sections, because I have felt confident that elsewhere these sections would be very greatly modified.

The gentleman from Oklahoma [Mr. FERRIS] quoted the Chief of the Bureau of Mines a few moments ago to this effect, that nothing would ever occur under this section detrimental to the public interest, because the whole matter is under the Secretary of the Interior. Why, I want to remind my good friend from Oklahoma that all the land frauds that we have ever had, all the land frauds that have ever occurred, all the unfortunate acquisitions of lands in enormous areas have been entirely under the supervision of Secretaries of the Interior. When the gentleman has no better defense for a thing than the fact that the Secretary may prevent fraud and scandal, why, it is not much of a defense.

The section preceding these two sections outlines a rule under which I think fraud would be very largely prevented, although there might be much favoritism; and under these two sections all sorts and kinds of things might be done. I assume we will never have a Secretary of the Interior who will intentionally allow people to acquire leases contrary to the public interest; but Secretaries are not omnipotent nor omnipresent. They are served by a multitude of agents and agencies. They must depend on others, and I think the committee have made a mistake in both of these sections in not placing a sufficient limitation on the discretion of the Secretary. I am inclined to think that the Secretary, under the section which we are now considering, could lease very valuable coal lands at the minimum royalty of 2 cents a ton. I have no doubt that he could.

Mr. RAKER. What would the gentleman suggest, so as to put in the bill ironclad language that would prevent the Secretary or anybody else doing anything of that kind?

Mr. MONDELL. I would lay down sufficiently definite limitations to his authority. I think it is better to write the provisions into the law. But answering the gentleman's inquiry as to what I would do with regard to these two sections, if I had the power to do so I would strike them from the bill, because they are entirely unnecessary at this time. They relate to matters that are not likely to occur for years to come. There are going to be Congresses here after this Congress, and those Congresses are going to be quite as wise as we are, I think. They can legislate in regard to these matters. We do very well if we provide for the original leases. It is not necessary for us to provide for what may need to be done after leases are worked out, and after lessees have gotten together, and gentlemen conclude they want to consolidate them. Those are all matters for the future. I would be perfectly content to leave those questions for future Congresses to pass upon.

Mr. RAKER. The gentleman wants to provide a bill that is workable. Say a man has only 640 acres of coal lands at the present time. Ought we not to provide in the bill that after he works out that claim he may have additional territory?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LENROOT. Mr. Chairman, with reference to the construction of these two sections, I feel I ought to say that I do not agree with the construction given by the gentleman from

Oklahoma [Mr. FERRIS]. I do not believe that under the power given to the Secretary in section 4, to make rules and regulations, he is authorized to change the terms of an existing lease. This section provides for only one modification of the lease. And what is that modification? It is an inclusion of a larger area than is contained in the original lease, and therefore all the terms of the original lease, both as to royalty and otherwise, in my opinion, will apply to the modified lease, and the Secretary of the Interior will not have the right to change the terms and conditions, either as to royalty or otherwise, of that modified lease, and I do not think he ought to have the right. I think the language is well guarded in the provision as it stands.

Mr. STAFFORD. Will my colleague yield there?

Mr. LENROOT. Yes.

Mr. STAFFORD. Supposing that on the additional tract to which the lease is extended the coal is either of a higher or of a lower grade. Does not my colleague believe that the terms should be different than those contained in the original lease?

Mr. LENROOT. I assume that if it is of higher grade, the Secretary of the Interior would not permit the inclusion of it. If it was desirable that those two be worked together, the original lessee could surrender his original lease and take out a new one under the general procedure of the bill.

Mr. STAFFORD. But it might not be feasible for him to surrender the original lease. He might wish to continue the working of one and begin the working of the other, so as to develop the larger tract. That is the very purpose of the provision. I can conceive of cases where different terms ought to apply.

Mr. LENROOT. Does the gentleman think the Secretary of the Interior should have the right to make new terms and conditions, possibly including a less royalty than the original lease, which had been awarded upon a competition, because of the inclusion of the additional area?

Mr. STAFFORD. I do, but it would be limited to the restricted tract.

Mr. LENROOT. Yes; but under that situation there might be a royalty bid of 45 cents per ton. If the gentleman's idea prevailed, the Secretary of the Interior would have a right to make a new lease of the large area at 10 cents a ton.

Mr. STAFFORD. No; it would only pertain to the restricted area.

Mr. LENROOT. No; it is a modified lease as to the extent of all the area.

Mr. STAFFORD. The new area, and only that.

Mr. LENROOT. We now permit conditions which I say ought not to prevail unless the situation is such that the same terms and conditions will imply an enlarged area, and the Secretary of the Interior ought not to permit this inclusion at all, and I do not believe he would do so.

In section 5 a different situation prevails. It is true that that permits a consolidation of a new lease to be granted by the Secretary of the Interior, but nothing is said as to the terms and conditions. I know that in committee it was carefully considered, and we had a practical difficulty in framing any language that would properly cover it and save the equities of the original lessee, and so it was left in that way, the committee feeling that it was a matter that must be left to the discretion of the Secretary of the Interior.

Mr. RAKER. Mr. Chairman, I move to strike out the last three words. It seems to me that the question presented is covered in the last two lines of the section, lines 21 and 22, "through the same procedure and under the same conditions as in case of an original lease." That does not mean as the original lease was provided for, under the same conditions as in the case of an original lease.

Mr. LENROOT. That applies only to the second paragraph.

Mr. RAKER. I want to call the committee's attention to the fact that that would apply to the new lease on the same conditions. My recollection is that it was the idea of the gentleman from Wisconsin and other members of the committee that if additional territory were desired the same procedure should be followed as in the application for the original lease. In other words, the Secretary of the Interior should fix the terms and conditions, and the party should abide by it the same as if he had no lease at all. Otherwise it would be treating other miners in the community unfairly.

The Clerk proceeded with the reading of the bill, as follows:

SEC. 6. That where coal lands aggregating 2,560 acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

Mr. MONDELL. Mr. Chairman, I move to strike out, on page 5, at the beginning of line 6, after the word "lands," all down to and including the word "and," in line 7. The language I move to strike out is "aggregating 2,560 acres."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 6, by striking out all after the word "lands," down to and including the word "and," in line 7.

Mr. MONDELL. Mr. Chairman, the words stricken out are the words "aggregating 2,560 acres." The section provides:

That where coal lands aggregating 2,560 acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

It is highly important that the leasing of noncontiguous lands be allowed not only where there is a less area than makes a maximum leasing area, but where there are any noncontiguous coal lands that a lessee may desire. For instance, in the Union Pacific land-grant region in my State, the Union Pacific now holds alternate sections, having retained the coal land.

There might be a vast area of lands lying in the region which would be subject to leasing. There is no reason why this right to lease lands cornering on each other should be confined to conditions where the maximum area could not be acquired except by doing so.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. If the gentleman strikes out the language proposed, it makes it impossible to do what he desires to do, because with the language stricken out if there are any lands that are contiguous the corner leasing would not apply, while under the language there must be contiguous land to the extent of 2,560 acres.

Mr. MONDELL. The gentleman does not interpret the language as I do. If the language is stricken out, it will read:

That where coal lands subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

The applicant might ask for 40, the cornering section to another 40 cornering it, and, where the Government does not own the contiguous land, that would be a case of where there were not contiguous lands at the point where he made his application.

Mr. LENROOT. Suppose the Govrenment did own one 40-acre tract that is contiguous, with this language stricken out, then the gentleman could not lease anything in the cornering sections.

Mr. MONDELL. Oh, yes; a man could lease the lands that were contiguous, and the balance of his lease might be of noncontiguous lands.

Mr. LENROOT. But he would be compelled first to lease all of the contiguous lands.

Mr. MONDELL. I do not think the gentleman correctly interprets the language of the section as I propose to amend it. It is highly important that the Secretary be given the right to lease noncontiguous tracts, particularly in those localities where lands are within land-grant limits; and here it can not possibly be done if there is anywhere in the region a contiguous maximum tract.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. RAKER. Is it not a fact that this is the only provision in all of the land laws up to date where a man may file on land that is not contiguous, and this is done for the purpose of utilizing all of the coal land in one body, to the end of getting cheaper coal and getting better results?

Mr. MONDELL. It is not the first time that it has been suggested. The same provision is contained in half a dozen bills that have been introduced.

Mr. RAKER. I mean the first one that has been reported.

Mr. MONDELL. I do not happen to recall any measure that has been reported. What the committee intended was that, where the Government has no contiguous lands, and an applicant or lessee desired lands that are noncontiguous, they may lease noncontiguous lands. I think that is what the committee intended.

Mr. RAKER. For instance, there are two railroad sections cornering and on the opposite sides two sections belonging to the Government. The intention of the committee was that you could cross the corner and——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of one minute debate on the pending section and all amendments thereto shall close.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NORTON. Mr. Chairman, it occurs to me that the purpose of the gentleman from Wyoming [Mr. MONDELL] would be more clearly reached if, in line 6, on page 5, there were also stricken out the words "that where coal lands," and in line 7 the words "and subject to lease," and in line 8 the words "hereunder do not exist as contiguous areas," leaving the section then as amended to read:

The Secretary of the Interior is authorized, if in his opinion the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

In the interpretation of the law there would be considerable doubt if any of the first part of the section is allowed to remain as to whether, in case there was in any coal area any coal lands whatever subject to lease existing as contiguous areas, sections, or parts of sections cornering upon one another could then be embraced in the same lease.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. The question is on the amendment offered by the gentleman from Wyoming.

The amendment was rejected.

The Clerk read as follows:

SEC. 7. That for the privilege of mining or extracting the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall be not less than 2 cents per ton of 2,000 pounds, due and payable at the end of each month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. Before that motion is put, I understood that section 7 is still subject to amendment?

Mr. FERRIS. Oh, certainly.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16136, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SELLS, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 754. An act for the relief of Jacob M. Cooper;

S. 725. An act to correct the military record of Aaron S. Winner;

S. 1063. An act for the relief of Philip Cook; and

S. 2472. An act for the relief of Herman von Werthern.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions; and

H. R. 15613. An act to create a Federal trade commission, to define its powers and duties, and for other purposes.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Wednesday, September 16, 1914, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MORGAN of Louisiana: A bill (H. R. 18807) to provide for the erection of a national leprosarium; to the Committee on Appropriations.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 621) authorizing an investigation of the conditions existing in the textile industry in the city of Atlanta, Ga.; to the Committee on Rules.

By Mr. KAHN: Joint resolution (H. J. Res. 346) ceding to the State of California temporary jurisdiction over certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations; to the Committee on Military Affairs.

By Mr. GARRETT of Texas: Memorial of the Legislature of the State of Texas favoring the "Buy a bale" idea of relieving the cotton market; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 18808) granting a pension to Emaline Catherine Lindner; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 18809) granting a pension to John P. Pierce; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 18810) granting a pension to George W. Krug, alias King; to the Committee on Pensions.

Also, a bill (H. R. 18811) granting an increase of pension to Philip Yoe; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 18812) granting an increase of pension to Henry Nausley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18813) granting an increase of pension to John A. Abbott; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 18814) granting a pension to Charles J. Mobley; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 18815) granting an increase of pension to Isaac Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18816) granting an increase of pension to William H. Vance; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18817) granting an increase of pension to Abraham Leedy; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 18818) granting a pension to Joseph W. Abbott; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 18819) granting a pension to Albert Elsaesser; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CANDLER of Mississippi: Petition of 500 citizens of Iuka, Miss., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of George R. Longbrake, of La Crosse, Wis., favoring a bill to protect the United States flag; to the Committee on Military Affairs.

Also, petition of sundry citizens of Victory, Wis., favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. FESS: Petition of sundry citizens of New Richmond, Ohio, favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. GARNER: Petition of the Cotton Growers' Association of Texas, relative to regulation of cotton exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Iowa: Petition of 73 citizens of Fontanelle, Iowa, favoring the national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HILL: Papers to accompany a bill for increase of pension to John A. Abbott; to the Committee on Pensions.

By Mr. LIEB: Petition of Danish-American Typographia No. 15, through Henry Schnuetgen, secretary, of Evansville, Ind., urging the passage of amendment of section 85 of House bill 15902; to the Committee on Printing.

Also, petition of H. Fendrich, cigar manufacturer, of Evansville, Ind., against any increase of revenue tax upon cigars; to the Committee on Ways and Means.

Also, petition of Charles Leich & Co., of Evansville, Ind., against any increase of revenue tax on spirits; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of various business men of Murdock, Elmwood, Eagle, and Hickman, all in the State of Nebraska, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. J. I. NOLAN: Resolutions of the Socialist Party of San Francisco, Cal., demanding that the United States maintain strict neutrality in the present European war, and suggesting a method of bringing about peace; to the Committee on Foreign Affairs.

By Mr. O'LEARY: Petition of Edward Flaherty, of Long Island City, N. Y., against tax on soda water; to the Committee on Ways and Means.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., against tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 18753, for relief of John K. Collins; to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of sundry citizens of Illinois, asking modification of Federal game laws; to the Committee on Agriculture.

Also, petition of various churches and citizens of the twentieth district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of the Wisconsin State Bottlers' Association, against additional tax on wine, beer, or "soft" drinks; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany House bill 18806, granting a pension to Emma E. Shellenbarger; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *September 16, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, lay Thy hand upon the storm-tossed world. Bring peace, order, and good will among all people. Especially do Thou look with Thy favor upon Thy servants in this Senate, that with that wisdom which cometh from above they may be enabled to discharge the duties of their sacred and important office. See that all the ministry of this Chamber may be found to be in accord with God's great program for us as a Nation. Give us a voice and an influence among the nations of the earth; and may the voice and the influence of this Nation be that of peace and good will among men. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
Washington, September 16, 1914.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. J. T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. ROBINSON thereupon took the chair as Presiding Officer, and said:

The Secretary will read the Journal of the proceedings of the last legislative day.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bryan	Kenyon	Overman	Smith, Ga.
Burton	Kern	Page	Smith, S. C.
Chamberlain	Lane	Perkins	Sterling
Culberson	Lea, Tenn.	Pittman	Thomas
Fletcher	Lewis	Ransdell	Thornton
Gallinger	Martin, Va.	Robinson	
Hughes	Myers	Sheppard	
Jones	Norris	Simmons	

Mr. PAGE. I wish to announce the unavoidable absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I will allow this announcement to stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired. This announcement may stand for the day.

The PRESIDING OFFICER. Twenty-nine Senators have answered. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. BRADY, Mr. CAMDEN, Mr. THOMPSON, Mr. VARDAMAN, Mr. WEST, and Mr. WHITE answered to their names when called.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement stand for the day.

Mr. CHILTON entered the Chamber and answered to his name.

The PRESIDING OFFICER. Thirty-six Senators have answered. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the attendance of absent Senators.

After a little delay,

Mr. LEWIS. Mr. President, might I inquire if the Senator from Indiana made the usual motion respecting the instruction to the Sergeant at Arms to bring in absentees?

The PRESIDING OFFICER. The motion was made and passed, and the Sergeant at Arms is executing the order of the Senate.

Mr. HITCHCOCK, Mr. MCCUMBER, Mr. SMITH of Michigan, and Mr. STONE entered the Chamber and answered to their names.

After a little further delay Mr. SWANSON and Mr. MARTINE of New Jersey entered the Chamber and answered to their names.

Mr. KENYON. Mr. President, I should like to inquire the number of Senators who have answered to their names.

The PRESIDING OFFICER. The Chair is informed that 42 Senators have responded, not a quorum.

Mr. KENYON. As it seems impossible to get a quorum, I move that the Senate adjourn.

Mr. LEWIS. Of course, the Senator from Iowa means that humorously, and it will be so accepted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa, that the Senate adjourn.

The motion was rejected.

Mr. SIMMONS. Mr. President, I wish to inquire if the Sergeant at Arms has been directed to take measures toward securing the presence of a quorum?

The PRESIDING OFFICER. The Sergeant at Arms has been directed to request the attendance of absent Senators.

Mr. JAMES, Mr. ASHURST, Mr. SHAFROTH, Mr. REED, and Mr. NELSON entered the Chamber and answered to their names.

Mr. REED. Mr. President, I think I ought to say the members of the Banking and Currency Committee have been in session, and that is the reason for the absence of most of the members of that committee, all of whom will be here in a few moments.

Mr. LEE of Maryland, Mr. CRAWFORD, and Mr. WEEKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The Secretary will read the Journal of the proceedings of the last legislative day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, September 5, 1914, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILL SIGNED.

The PRESIDING OFFICER announced his signature to the enrolled bill (S. 5065) for the relief of Mirick Burgess, which had previously been signed by the Speaker of the House.

DISPOSITION OF USELESS PAPERS.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting, pursuant to law, a statement of papers and material which are not needed nor useful in the transaction of the current business of the Department of Labor, and which have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Committee on the Disposition of Useless Papers in the Executive Departments,